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DOE WEAPONS LABORATORIES

Actions Needed to Strengthen EEO Oversight



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Abstract Allegations of racial profiling ¹ at the Department of Energys (DOE) weapons laboratories, raised most notably in the 1999 case of Dr. Wen Ho Lee, an Asian American accused of espionage, have called into question the equitable treatment of minorities and women in personnel actions at these laboratories in areas such as hiring, pay, and promotion. Responding to these concerns, the former secretary of energy reiterated the departments position of zero tolerance for discrimination of any kind and stated that he expected and required full compliance with both the spirit and letter of all civil rights laws, regulations, and policies. The current secretary has reaffirmed this commitment for DOE and its contractor employees.		
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Abbreviations

DOE	Department of Energy
EEO	equal employment opportunity
EEO-1	Employer Information Report
EEOC	Equal Employment Opportunity Commission
GAO	General Accounting Office
GPRA	Government Performance and Results Act of 1993
OFCCP	Office of Federal Contract Compliance Programs
WFIS	Work Force Information System



United States General Accounting Office
Washington, DC 20548

April 22, 2002

The Honorable Eddie Bernice Johnson
Ranking Minority Member
Subcommittee on Research
Committee on Science
House of Representatives

The Honorable David Wu
House of Representatives

Allegations of racial profiling¹ at the Department of Energy's (DOE) weapons laboratories, raised most notably in the 1999 case of Dr. Wen Ho Lee, an Asian American accused of espionage, have called into question the equitable treatment of minorities and women in personnel actions at these laboratories in areas such as hiring, pay, and promotion. Responding to these concerns, the former secretary of energy reiterated the department's position of zero tolerance for discrimination of any kind and stated that he expected and required full compliance with both the spirit and letter of all civil rights laws, regulations, and policies. The current secretary has reaffirmed this commitment for DOE and its contractor employees.

About 22,000 employees work at the nation's three weapons laboratories—Los Alamos, Sandia, and Lawrence Livermore. These employees, who, among other things, design nuclear weapons and conduct nuclear and nonnuclear research and development, operate the laboratories under contract with DOE. Most of these employees—65 percent—work as managers and professionals.

Under title VII of the Civil Rights Act of 1964, as amended, employers cannot discriminate against their employees or job applicants on the basis of race, color, religion, sex, or national origin. The Equal Employment Opportunity Commission (EEOC) has primary responsibility for enforcing compliance with the act for the U.S. workforce. Executive Order 11246, as amended, prohibits the same type of discrimination as prohibited by title

¹ According to DOE, racial profiling includes practices that scrutinize, target, or treat employees or applicants for employment differently or single them out or select them for unjustified additional scrutiny, on the basis of race or national origin.

VII and applies to federal contractors, such as those that operate the weapons laboratories.

The Department of Labor enforces the order and has assigned this responsibility to its Office of Federal Contract Compliance Programs (OFCCP). OFCCP investigates complaints of employment discrimination, conducts compliance evaluations, and takes administrative and enforcement actions when necessary. Under an agreement between EEOC and OFCCP, when a charge of employment discrimination is filed with OFCCP, it generally refers individual complaints against federal contractors to EEOC for investigation, while OFCCP generally retains and investigates discrimination complaints involving groups of people or patterns of discrimination filed against federal contractors.

Under the executive order, DOE is responsible for ensuring that its contracts contain the equal employment opportunity (EEO) provisions required by OFCCP and for cooperating with OFCCP and providing information and assistance as required. DOE is also responsible for overseeing the laboratories' implementation of the EEO provisions in the contracts. The primary responsibility for complying with EEO requirements rests with the laboratories.

Concerned about equitable treatment for minorities and women in personnel actions at the weapons laboratories, you asked us to (1) describe the composition of weapons laboratory staff by race/ethnicity, gender, and job category in 1995 and 2000 to determine how the composition of laboratory staff has changed in the 5-year period; (2) determine whether there are statistically significant differences in selected personnel actions for managers and professionals when comparing minority men and women and White women with White men in fiscal years 1998 through 2000, the most current reliable data available at the time of our data request; (3) describe EEO concerns raised by laboratory staff; and (4) identify, if appropriate, opportunities for improving DOE's and OFCCP's oversight of the laboratories' compliance with EEO requirements. In responding to these issues, as agreed with your offices, we did not draw conclusions on the appropriateness of the race/ethnicity and gender composition of laboratory staff nor on whether the weapons laboratories have discriminated against any employee or group of employees. Also at your request, we agreed to perform our analysis for each minority and gender group if the data were sufficient for such analysis. Minorities include Asian or Pacific Islander (Asian); Black, not of Hispanic origin (Black); Hispanic; and American Indian or Alaskan Native (American Indian), as specified jointly by EEOC and OFCCP.

For our analysis of the composition of laboratory staff, we used the data on race/ethnicity, gender, and the eight job categories² that the laboratories are required to provide to EEOC,³ for 1995 and 2000, and combined those data into three job category groups: managers and professionals; technicians, clerks, and craft workers; and operatives, laborers, and service workers.⁴ We compared data from 1995 and 2000 to determine how the composition of laboratory staff had changed in the 5-year period.

For our analysis of whether statistically significant differences by race/ethnicity and gender in selected personnel actions affecting managers and professionals occurred,⁵ we used data from the laboratories' personnel and other databases primarily for fiscal years 1998 through 2000, the most current reliable data available at the time of our data request. The personnel actions we examined were salary levels, merit pay increases, cash awards, separations, promotions, disciplinary actions, and hires. In conducting the statistical tests for salary, merit pay, cash awards, and separations, we ensured that we were comparing similar staff by holding constant age; tenure at the laboratory; education level; job subcategory as defined by the laboratory; citizenship status; security clearance level; and for Sandia's staff, whether they were located in California or New Mexico. Although the laboratories have somewhat different personnel systems and practices, our analyses of personnel actions included only those variables common to all three. Consequently, our analyses of personnel actions are

² The eight job categories are officials and managers, professionals, technicians, office and clerical, craft workers, operatives, laborers, and service workers. The ninth job category is sales workers. The laboratories do not have any sales workers, so they report zero in this category.

³ Technically, federal contractors submit EEO-1 forms, otherwise known as Standard Form 100, to the Joint Reporting Committee, which consists of EEOC and OFCCP. While EEOC and OFCCP jointly dictate EEO-1 requirements, the responsibility for administering this survey has historically been held by EEOC. Thus, we will refer to EEOC in the report rather than the Joint Reporting Committee when we discuss EEO-1s.

⁴ For ease of analysis and presentation, we grouped the EEO-1 job categories of officials and managers and professionals into one job category group called "managers and professionals." We grouped the EEO-1 job categories of technicians, office and clerical, and craft workers into one job category group called "technicians, clerks, and craft workers." We grouped the EEO-1 job categories of operatives, laborers, and service workers into one job category group called "operatives, laborers, and service workers."

⁵ Our statistical analysis of personnel actions is for laboratory staff in the EEO-1 categories of officials and managers, and professionals. We also included limited-term staff, such as postdoctoral students in professional positions on a temporary basis.

neither exhaustive nor specifically tailored for each laboratory. Our analyses are not designed to prove or disprove discrimination; rather they are designed to provide information at a common and aggregate level about race/ethnicity and gender differences in personnel actions at the laboratories. The presence of a statistically significant difference does not prove discrimination, nor does the absence of a statistically significant difference prove that staff have not been discriminated against. The presence of statistically significant differences means that we are 95 percent confident that differences could happen by chance in less than 5 percent of the cases. To determine whether promotions of minority men and women and White women into management positions reflected the diversity of the potential applicant pools, we used the 80 percent rule set out in the federal government's Uniform Guidelines on Employment Selection Procedures.⁶ Our detailed scope and methodology are discussed in appendix I.

Results in Brief

Weapons laboratories' data for 1995 and 2000 show that the composition of staff varies by laboratory and that each laboratory has seen some change in job category groups by race/ethnicity and gender. In terms of staff composition, in 2000, the percentage of minority employees at each of the laboratories ranged from 19 percent at Lawrence Livermore, to 27 percent at Sandia, to 34 percent at Los Alamos. The three laboratories experienced some increase in their overall minority population from 1995 to 2000 but not for each minority group at each laboratory. Each of the laboratories has similar proportions of men and women, about 70 percent and 30 percent, respectively, for both years. In terms of job category group composition by race/ethnicity and gender, for the 2 years, White men held a greater percentage of the managerial and professional jobs than their representation in the laboratory workforce overall—averaging 64 percent compared with 54 percent. Conversely, White women held a lower proportion of managerial and professional positions than their representation in the laboratory workforce—averaging 18 percent and 20 percent, respectively. Minorities held a lower proportion of managerial

⁶ The 80 percent rule is a "rule of thumb" under which EEOC, OFCCP, and other agencies will generally consider a selection rate for any race, sex, or ethnic group that is less than 80 percent of the selection rate for the group with the highest selection rate as a substantially different rate of selection. This rule of thumb is a guideline, not a regulation, and is a practical means of keeping the agencies' attention on serious discrepancies in rates of hiring, promotion and other selection decisions, and on the selection procedures they use.

and professional positions than their representation in the laboratory workforce—averaging 18 and 26 percent, respectively. From 1995 to 2000, the laboratories experienced some increase in minority representation in the managers and professionals job category group but not for each minority group at each laboratory. White women increased their representation in this job category group at Los Alamos and Sandia but experienced a decrease at Lawrence Livermore.

For fiscal years 1998 through 2000, we found statistically significant differences in certain personnel actions and not in others for minority men and women and White women in managerial and professional job categories compared with White men in these categories at the three laboratories. Most notably, with the exception of Asian men at Los Alamos and Sandia, and Hispanic men at Lawrence Livermore, the salaries for minority men and women and White women were lower than for White men. Comparing men and women of the same race/ethnicity, we found that White, Asian, and Hispanic women earned less than their male counterparts. Conversely, merit pay increases for minority men and women and White women tended to be equal to or greater than merit pay increases for White men, except for Hispanic men at Lawrence Livermore. For cash awards, only at Sandia were some minority men and women more likely to receive cash awards than White men. Only Los Alamos had statistically significant differences in the likelihood of minority men and women and White women leaving their jobs compared with White men. Specifically, Hispanic men and women, White women, and Black and American Indian men and women were less likely than White men to leave in the 3-year period. We found that management promotions for minority men and women and White women generally met 80 percent of the promotion rate for White men, with a few exceptions. We did not find statistically significant differences, with some exceptions, for disciplinary actions. Because of data limitations, we could not determine whether minority men and women and White women were as likely as White men to be hired by the laboratories. To understand the implications of these statistical differences and to evaluate their practical significance, we are recommending that the secretary of energy, in consultation with the director of OFCCP, determine their causes and take appropriate actions.

We identified minority and female laboratory staff's EEO concerns in four areas—recruiting, pay, promotion, and laboratory work environment—primarily from recent laboratory surveys and studies, a DOE 2000 Task Force Against Racial Profiling, and formal complaints investigated by OFCCP from 1990 through 2001. These same EEO concerns also surfaced during some of our interviews with representatives of racial/ethnic groups

and women at the laboratories. In particular, some minority staff attribute their low representation in certain job categories to recruiting strategies that do not extensively target colleges and universities with large minority populations. In terms of pay, some minorities and women believe that they are paid less than their White male peers. They also have concerns about promotion opportunities into top management positions. Finally, some minorities and women expressed concerns about the laboratories' lack of sensitivity to cultural and gender differences.

Opportunities exist for DOE and OFCCP to work together toward their common goal of ensuring that the laboratories meet EEO requirements. Currently, DOE and OFCCP take different approaches to evaluating the laboratories' EEO performance. In its contract oversight role, DOE focuses on the laboratories' EEO performance in meeting their EEO objectives by working with laboratory managers throughout the year on EEO issues and then formally rating the laboratories' own assessment of their EEO performance, annually. In contrast, OFCCP focuses on enforcing EEO compliance with applicable laws and regulations by evaluating virtually all aspects of a contractor's employment practices; however, OFCCP conducts its evaluations intermittently. These two different approaches produce different assessments that at times appear to yield contradictory results. For example, in 1999, DOE rated Sandia as "outstanding" in human resources, which includes EEO performance; while a 1999 OFCCP compliance evaluation at Sandia resulted in two affirmative action program violations for not addressing ways to increase the hiring and representation of Blacks and Hispanics at the laboratory; Sandia agreed to correct these problems. While both DOE's and OFCCP's approaches yield different information about the laboratories' EEO performance, the agencies work independently and do not routinely coordinate their efforts. Both agencies have EEO information and expertise that would be beneficial to share. Effective coordination among agencies with common goals has been a long-standing problem in the federal government and difficult to resolve. The Government Performance and Results Act of 1993 establishes a framework for coordination among federal agencies—agencies sharing common goals are to work together to develop program strategies that support each other's efforts. Closer collaboration between DOE and OFCCP could help ensure that the laboratories comply with EEO requirements. We are therefore recommending that the secretaries of energy and of labor explore the costs and benefits of establishing a formal, ongoing collaborative relationship in order to work more effectively toward their common goal.

In commenting on a draft of this report, DOE stated that it would work with the Department of Labor's OFCCP to achieve the desired effect of the recommendations as well as to establish better communication between the two agencies. DOE further states that it has initiated its own statistical review, which is consistent with our recommendation. The Department of Labor also agreed with our recommendations. Specifically, the Department of Labor's OFCCP offers its services and expertise to DOE so it may perform the necessary and appropriate analysis of the statistical differences we reported, and if problems exist, OFCCP can work in partnership with DOE to assist in the design and implementation of corrective action, as appropriate. Furthermore, the Department of Labor states that it looks forward to working more closely with DOE in order to effect stronger EEO workplaces at the nation's weapons laboratories. EEOC did not have any comments on the report's findings, conclusions, or recommendations but did provide minor technical comments, which we incorporated, as appropriate.

Background

Contractors operate DOE's three major weapons laboratories.⁷ The laboratories have a total workforce of about 22,000—Los Alamos, with about 8,000 employees in New Mexico, and Lawrence Livermore, with about 6,500 employees in California, are both operated by the University of California, which has had the contracts, with periodic revisions, since 1943 and 1952, respectively. The Los Alamos contract amounted to \$1.6 billion in fiscal year 2001. The Lawrence Livermore contract amounted to \$1.4 billion for the same period. Sandia, employing about 7,500 and located in New Mexico and California, is operated by the Sandia Corporation, a wholly owned subsidiary of Lockheed Martin, which has had the contract since 1993.⁸ The total Sandia contract amount for fiscal year 2001 was \$1.6 billion. In terms of contract amounts, the University of California and Lockheed Martin are among DOE's top three largest contractors and the top six federal contractors in the United States.

Executive Order 11246, as amended, provides, generally, the same prohibitions against discrimination for federal government contractors as

⁷ The National Nuclear Security Administration, a separately organized agency within DOE, is responsible for the nation's nuclear weapons laboratories.

⁸ Prior to the Sandia Corporation contract, which began in 1993, Sandia was operated under contract, with periodic revisions, by AT&T since 1949.

title VII of the Civil Rights Act of 1964, as amended.⁹ The order states that federal contractors will not discriminate against any employee or applicant for employment on the basis of race, color, religion, sex, or national origin. In addition to the requirements of title VII, the order further states that federal contractors will take affirmative action to ensure that applicants and employees are treated without regard to their race, color, religion, sex, or national origin in personnel actions, including recruitment and hiring, pay, benefits, promotion, selection for training, demotions and transfers, lay-offs, and termination.¹⁰ The contractors must spell out in their written affirmative action programs the steps they will take to ensure equal employment opportunity.

OFCCP's regulations implementing the executive order require contractors, including the laboratories, to submit data annually to EEOC¹¹ on specified job categories, by race/ethnicity and gender.¹² These data are submitted on the Employer Information Report (EEO-1)¹³ to EEOC. EEOC uses these data to help determine whether employers have potentially engaged in, or are engaging in, discriminatory employment practices. For this report, private-sector employers provide annual employment statistics by gender for each of the nine major job categories and for each of five population groups: Whites, Blacks, Hispanics, Asians or Pacific Islanders, and American Indians or Alaskan Natives. The nine major job categories are officials and managers, professionals, technicians, sales workers, office and clerical, craft workers, operatives, laborers, and service workers.

Figure 1 displays the percentage of all positions across the three weapons laboratories falling into each of the three job category groups, according

⁹ Under certain circumstances, the secretary of labor may exempt a contracting agency from including any or all of the EEO provisions of Executive Order 11246 in a specific contract.

¹⁰ According to OFCCP regulations, each government contractor with 50 or more employees and \$50,000 or more in government contracts is required to develop a written affirmative action program for each of its establishments. OFCCP is responsible for reviewing the contractor's affirmative action program. OFCCP generally does this as part of a compliance evaluation.

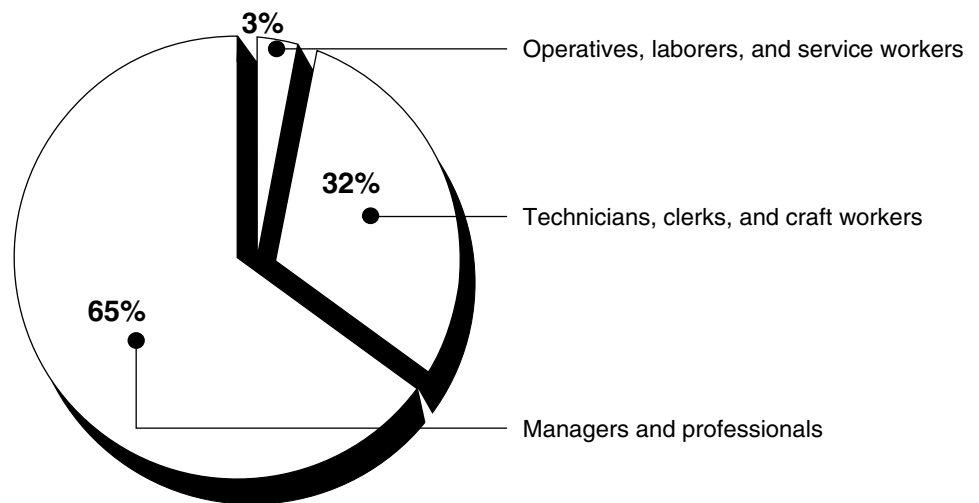
¹¹ See footnote 3.

¹² This applies to all federal contractors with 50 or more employees and a contract value of \$50,000 or more.

¹³ Also known as Standard Form 100.

to the EEO-1 information for 2000 provided by the laboratories. As the figure shows, managers and professionals account for the majority of laboratory staff.

Figure 1: Percentage of Positions in Each Job Category Group at the Three Weapons Laboratories, 2000



Source: GAO's analysis of EEO-1s obtained from Los Alamos, Sandia, and Lawrence Livermore.

EEOC forwards the EEO-1 data to OFCCP. With these data, OFCCP identifies facilities that may warrant further examination—known as compliance evaluations—because their employment of minorities and women appears to differ from industry averages. According to OFCCP officials, OFCCP annually conducts compliance evaluations for a limited number of those identified facilities. While the EEO-1 information is the primary selection source for the majority of the compliance evaluations conducted by OFCCP, OFCCP can schedule a compliance evaluation, when warranted by special circumstances, such as three or more complaints with a common issue filed with EEOC. According to OFCCP officials, in selecting facilities, OFCCP does not consider the value of the contract or the facilities' history of compliance.

As part of a compliance evaluation, OFCCP analyzes the contractor's personnel actions and compensation systems to determine if the contractor complied with the obligation not to discriminate. For evaluations where OFCCP identifies major EEO violations, it tries to resolve them through conciliation agreements with the contractors.

Conciliation agreements generally require the contractor to make the victim of discrimination “whole.” Thus a contractor may be required to award a victim of discrimination monetary relief. OFCCP monitors the contractor’s progress to ensure that corrective actions have been taken as detailed in the conciliation agreement.

While OFCCP emphasizes bringing contractors into compliance with the employment laws, rather than penalizing them for not complying, OFCCP may recommend legal actions if a contractor fails to resolve discrimination or affirmative action violations. As a last resort, the secretary of labor may order that a contract be suspended or canceled and the contractor may be debarred from doing business with the federal government.

OFCCP also investigates specific complaints of employment discrimination involving groups of people or patterns of discrimination filed against federal contractors. OFCCP usually refers any individual complaints of discrimination involving race, color, religion, sex, or national origin to EEOC for investigation, as agreed under a memorandum of understanding between the two agencies. EEOC will also investigate any complaints filed directly by contractor staff with it, according to EEOC officials.

DOE’s workforce consists of more than 100,000 employees: about 13 percent of these are federal employees, and about 87 percent are contractors in its 15 national laboratories. While DOE’s civil rights office in headquarters is responsible for ensuring that the department’s federal employees are treated fairly, DOE primarily relies on its operations offices, which are located near the laboratories, for overseeing the laboratories’ implementation of EEO contract provisions, according to DOE officials. Albuquerque and Oakland—the two operations offices responsible for overseeing the three weapons laboratories—are responsible for (1) ensuring that the laboratory contracts include the required EEO contract clauses; (2) negotiating additional EEO clauses where needed; (3) assessing the laboratories’ EEO performance; and (4) working with the contractors at the laboratories to review their EEO systems, evaluate their performance against EEO performance measures, and develop solutions for identified problems.

The laboratories take a number of actions to fulfill their EEO responsibilities. These include, among other things,

-
- submitting EEO-1s to EEOC¹⁴ and similar information to DOE to be included in its Work Force Information System (WFIS);
 - developing affirmative action programs that are designed not only to improve the number of minorities and women for specific jobs in which they are underrepresented but to ensure that the laboratory has fulfilled its EEO responsibilities;
 - preparing diversity plans, which detail the laboratories' efforts to promote workforce diversity by training employees on the importance of diversity at the laboratories and the prevention of racial profiling;
 - providing mechanisms through which staff can raise EEO concerns or complaints; and
 - developing annual self-assessments on their EEO performance for DOE's review.

The Composition of Staff Varies by Laboratory, and Each Laboratory Has Seen Some Change in Job Category Groups by Race/Ethnicity and Gender in 1995 Compared with 2000

According to their data for 1995 and 2000, the three laboratories vary somewhat in the composition of their staff and have experienced some changes by race/ethnicity and gender over the period. In 1995 and 2000, minorities accounted for 18 and 19 percent of the staff at Lawrence Livermore, 26 and 27 percent at Sandia, and 32 and 34 percent at Los Alamos, respectively. From 1995 through 2000, each of the three laboratories experienced some increase in its overall percentage of minority population but not for every minority group at each laboratory. All the laboratories have similar proportions of men and women—approximately 70 and 30 percent, respectively. The percentage of women increased slightly at two laboratories while slightly decreasing at the third. In terms of each job category group's composition by race/ethnicity and gender, White men generally held a greater percentage of the managerial and professional jobs than their representation in the laboratories, averaged for 1995 and 2000. However, from 1995 through 2000, the representation of White men in the managerial and professional job category group decreased at each of the three laboratories. White women and minorities had a lower percentage of managers and professionals than their representation in the total laboratory staff, averaged for 1995 and 2000. The laboratories experienced some increase in minority representation in the managers and professionals job category group but not for each minority group at each laboratory. White women increased their representation in this job category group at two laboratories but experienced a decrease at the third. Data on the composition of laboratory

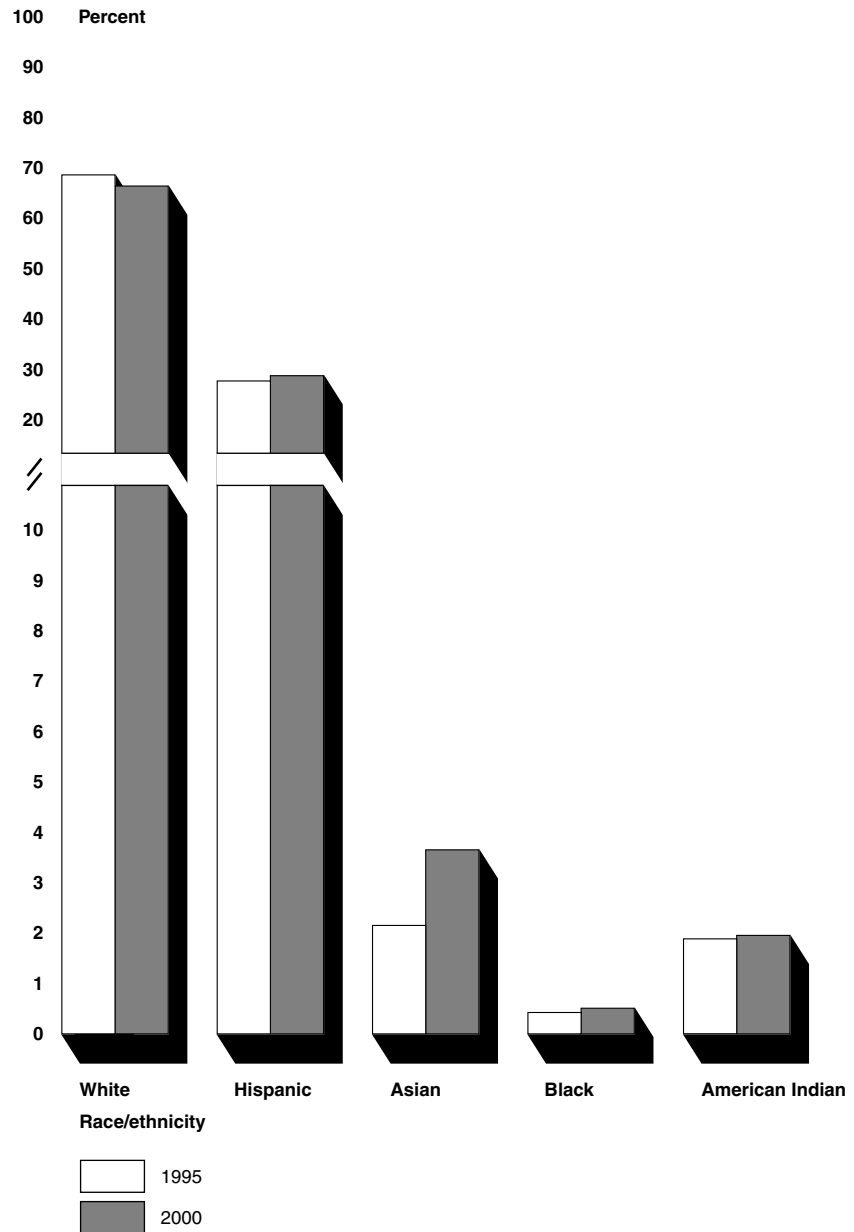
¹⁴ See footnote 3.

staff may be presented in two ways, according to EEOC: (1) as presented in figures 6 to 11, by the number of a racial/ethnic or gender group in a specific job category group at the laboratory divided by the total number of staff in that job category group at the laboratory and (2) by the number of a racial/ethnic or gender group in a specific job category group at the laboratory divided by the total number of that racial/ethnic or gender group at the laboratory. (For this latter presentation, see app. II.)

Composition of Laboratory Staff by Race/Ethnicity and Gender

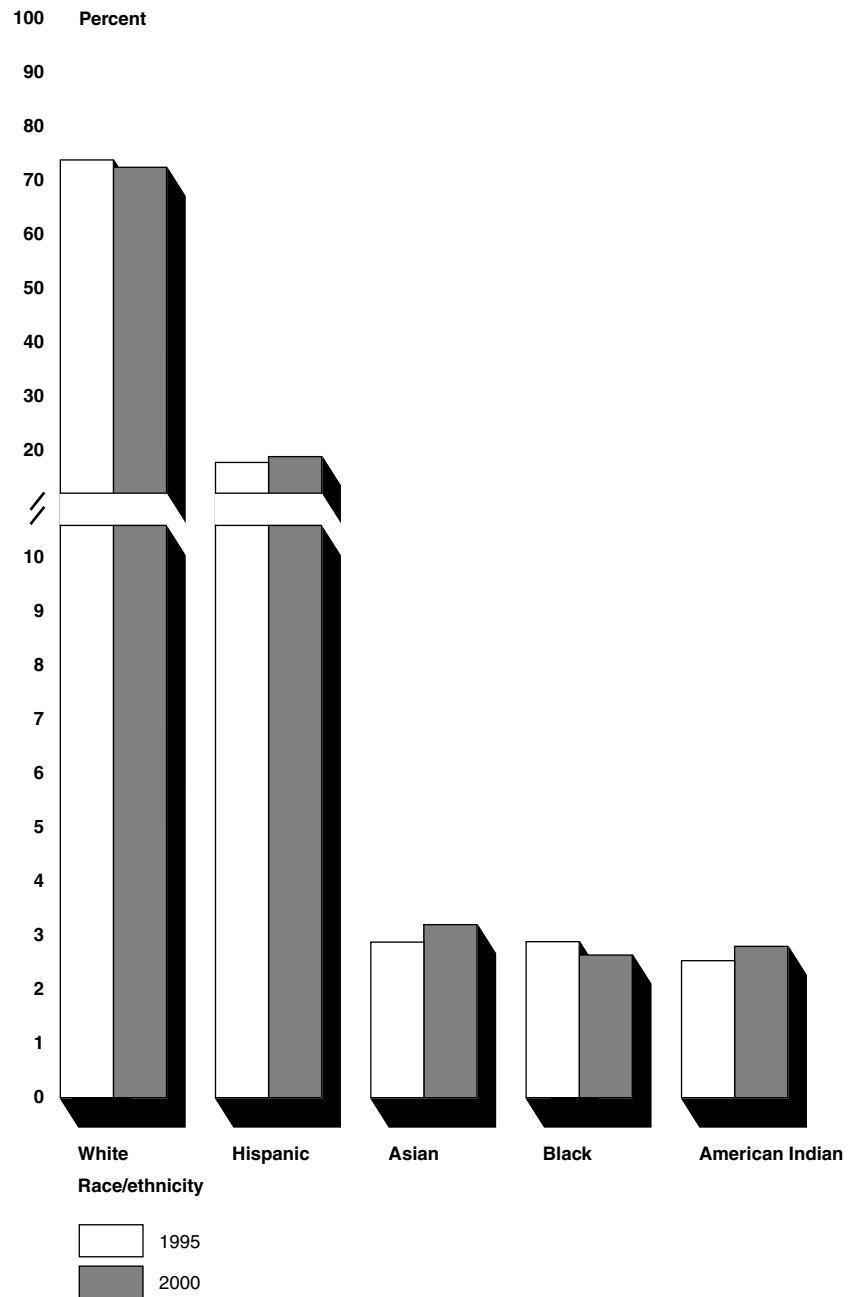
For 1995 and 2000, figures 2 through 4 show the composition of each laboratory's staff by race/ethnicity. Figure 5 shows the composition of the three laboratories' staff by gender.

Figure 2: Composition of Laboratory Staff at Los Alamos, by Race/Ethnicity, 1995 and 2000



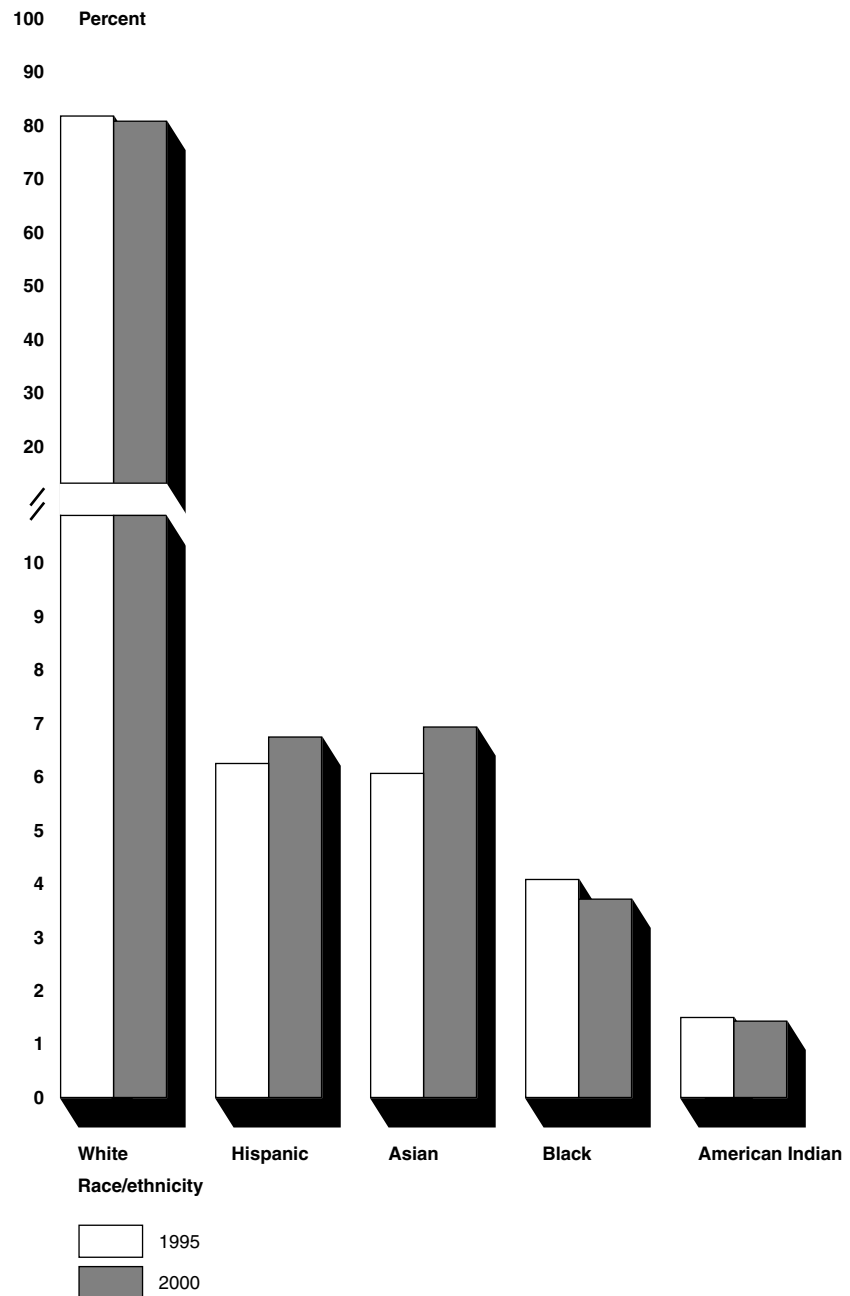
Source: GAO's analysis of EEO-1s obtained from Los Alamos.

Figure 3: Composition of Laboratory Staff at Sandia, by Race/Ethnicity, 1995 and 2000



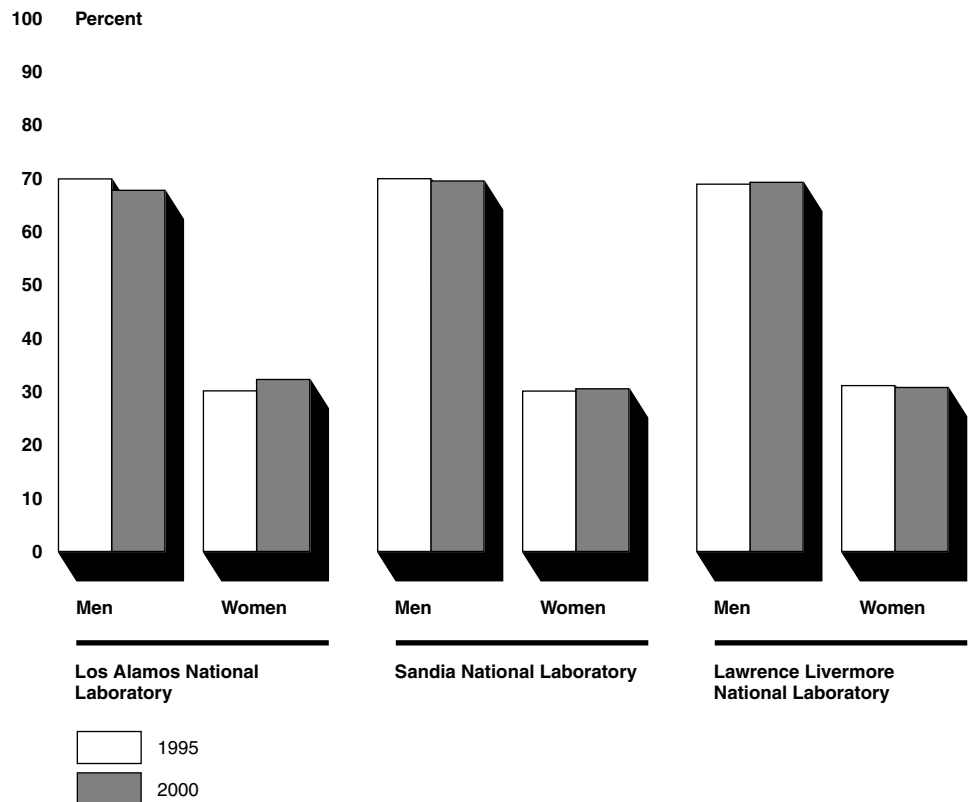
Source: GAO's analysis of EEO-1s obtained from Sandia.

Figure 4: Composition of Laboratory Staff at Lawrence Livermore, by Race/Ethnicity, 1995 and 2000



Source: GAO's analysis of WFIS's data (1995); EEO-1 obtained from Lawrence Livermore (2000).

Figure 5: Composition of Each Laboratory's Staff, by Gender, 1995 and 2000



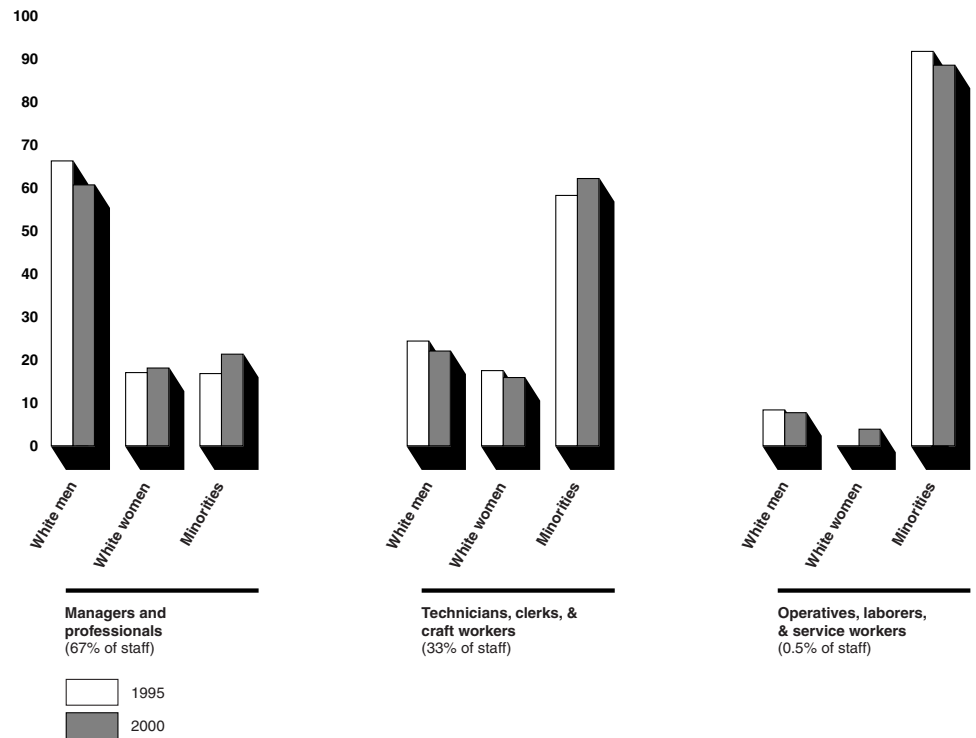
Source: GAO's analysis of EEO-1s obtained from Los Alamos and Sandia (1995 and 2000); WFIS data for Lawrence Livermore (1995); EEO-1 obtained from Lawrence Livermore (2000).

Composition of Each Job Category Group by Race/Ethnicity and Gender

In 1995 and 2000, for all laboratories, White men held an average of 54 percent of all laboratory jobs and an average of 64 percent of the managerial and professional jobs. For the same years, White women, who constitute an average of 20 percent of all laboratory staff, held about 18 percent of the managerial and professional jobs. In contrast, minorities, who held an average of 26 percent of all laboratory jobs, held 18 percent of the managerial and professional jobs. For each of the laboratories, we examined the composition of the staff by job category group and within each job category group, the composition by White men, White women, and minorities. From 1995 through 2000, the laboratories experienced some increase in minority representation in the managers and professionals job category group but not for each minority group at each laboratory. White women increased their representation in this job category group at Los Alamos and Sandia but experienced a decrease at

Lawrence Livermore. Figures 6 through 11 show the composition of each job category group by race/ethnicity and gender.

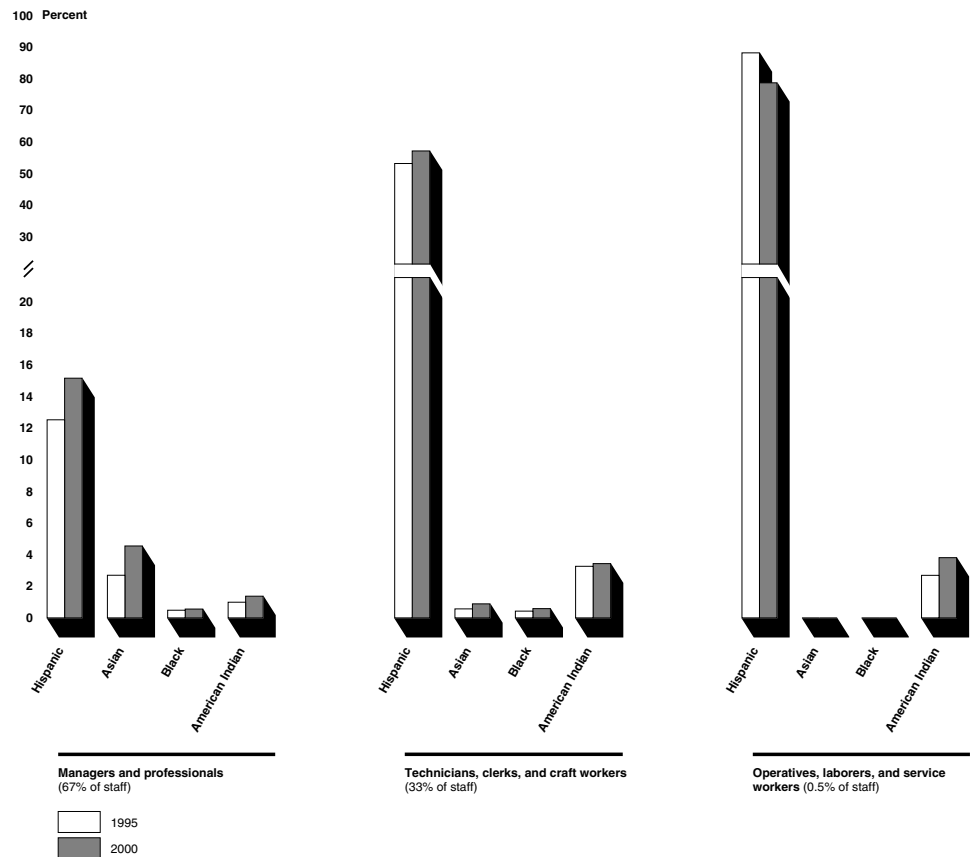
Figure 6: Composition of Job Category Group at Los Alamos by White Men, White Women, and Minorities, 1995 and 2000



Note: The percentage that each job category group represents of the total laboratory workforce is the average for 1995 and 2000 and does not add to 100 percent because of rounding.

Source: GAO's analysis of EEO-1s obtained from Los Alamos.

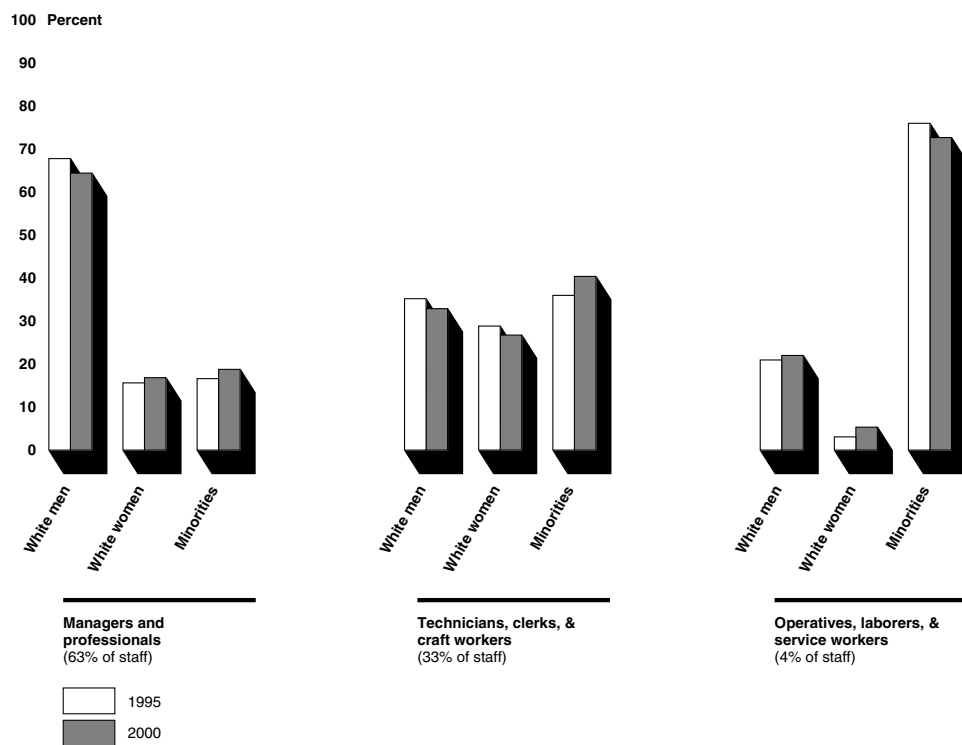
Figure 7: Composition of Job Category Group at Los Alamos by Each Minority Group, 1995 and 2000



Note: The percentage that each job category group represents of the total laboratory workforce is the average for 1995 and 2000 and does not add to 100 percent because of rounding.

Source: GAO's analysis of EEO-1s obtained from Los Alamos.

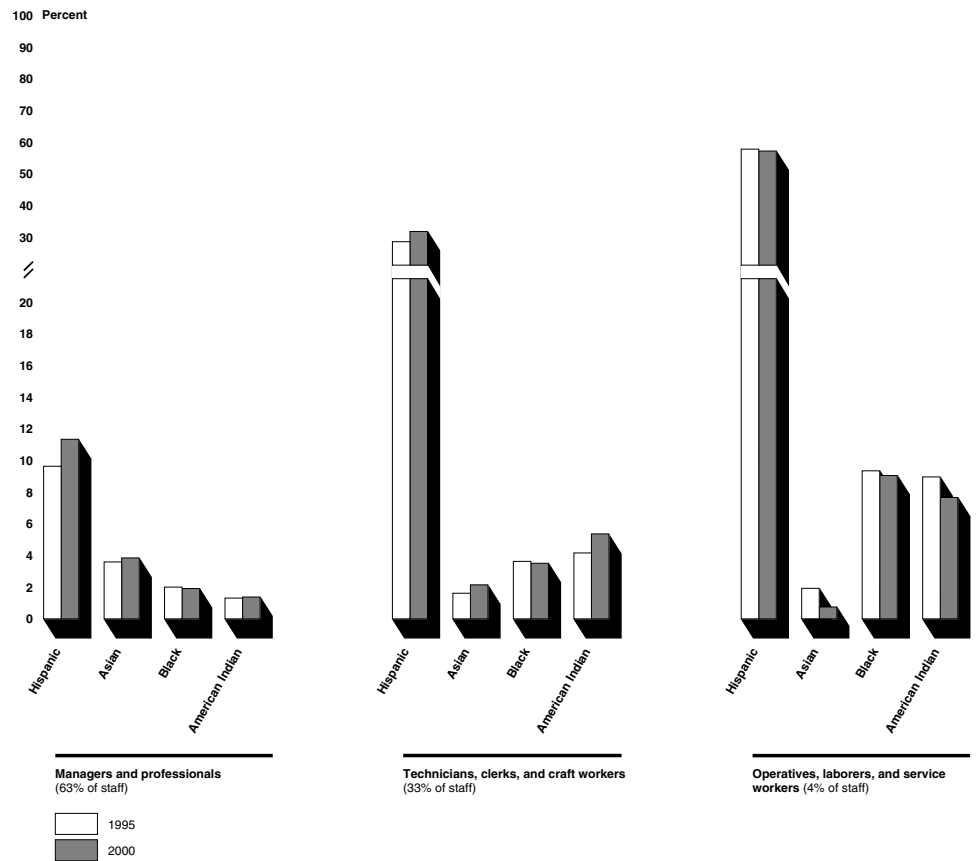
Figure 8: Composition of Job Category Group at Sandia by White Men, White Women, and Minorities, 1995 and 2000



Note: The percentage that each job category group represents of the total laboratory workforce is the average for 1995 and 2000.

Source: GAO's analysis of EEO-1s obtained from Sandia.

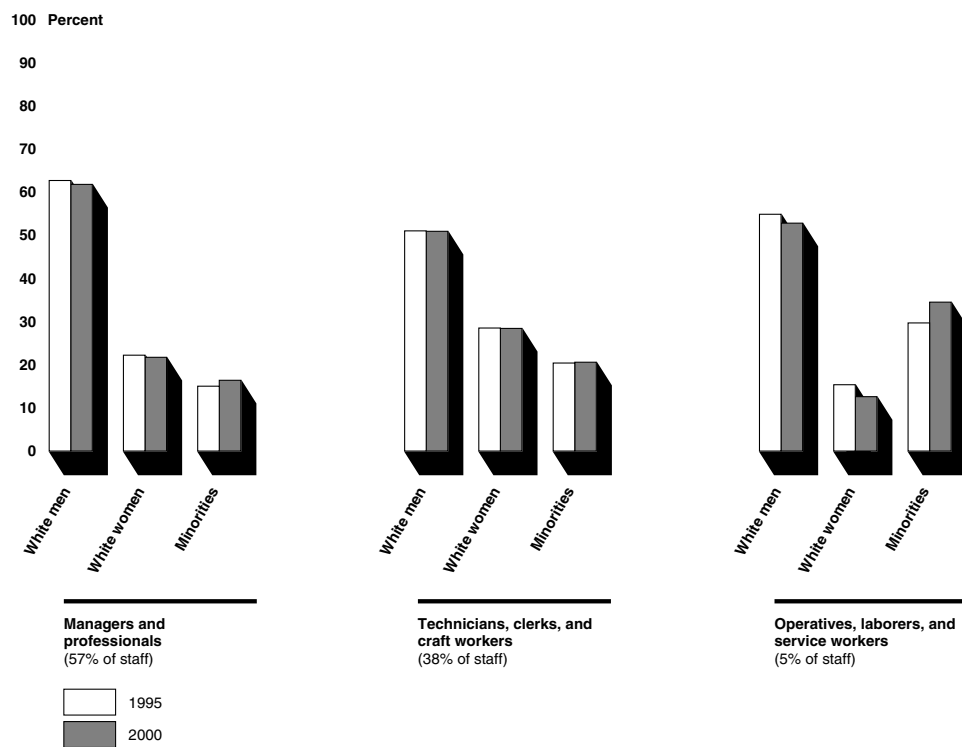
Figure 9: Composition of Job Category Group at Sandia by Each Minority Group, 1995 and 2000



Note: The percentage that each job category group represents of the total laboratory workforce is the average for 1995 and 2000.

Source: GAO's analysis of EEO-1s obtained from Sandia.

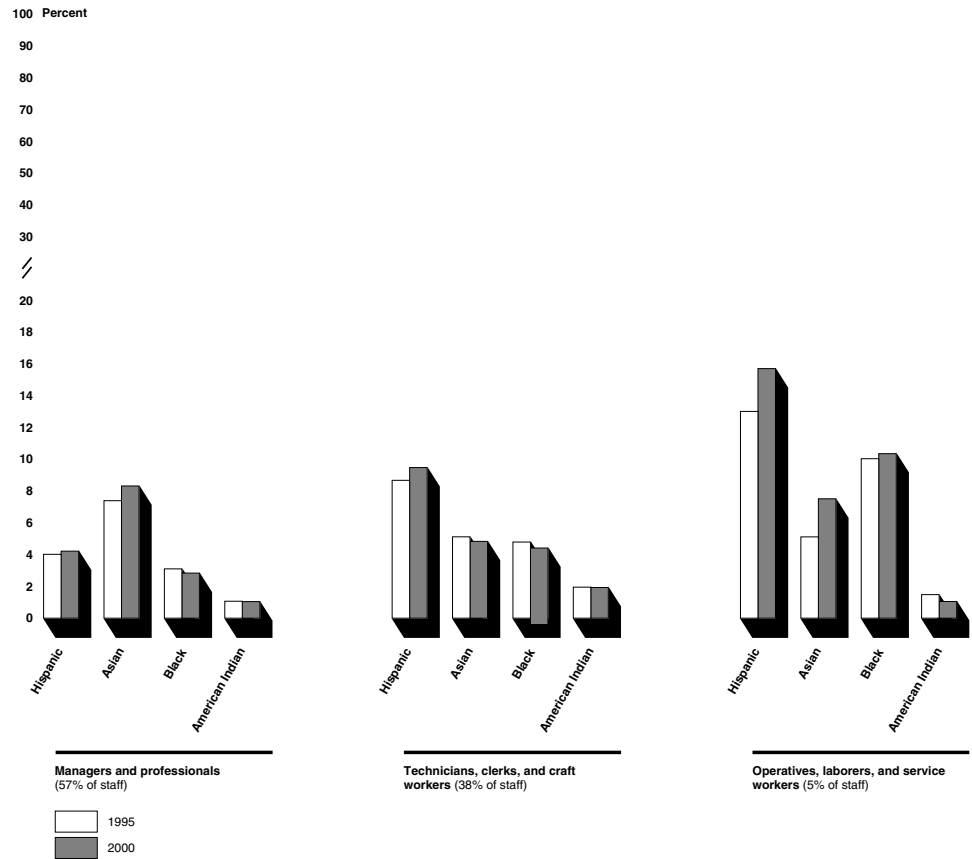
Figure 10: Composition of Job Category Group at Lawrence Livermore by White Men, White Women, and Minorities, 1995 and 2000



Note: The percentage that each job category group represents of the total laboratory workforce is the average for 1995 and 2000.

Source: GAO's analysis of WFIS's data (1995); EEO-1 obtained from Lawrence Livermore (2000).

Figure 11: Composition of Job Category Group at Lawrence Livermore by Each Minority Group, 1995 and 2000



Note: The percentage that each job category group represents of the total laboratory workforce is the average for 1995 and 2000.

Source: GAO's analysis of WFIS's data (1995); EEO-1 obtained from Lawrence Livermore (2000).

Certain Personnel Actions for Managers and Professionals Show Statistically Significant Differences for Minority Men and Women and White Women Compared with White Men, While Others Do Not

For fiscal years 1998 through 2000, we found statistically significant differences in certain personnel actions but not in others for minority men and women and White women in managerial and professional job categories compared with White men in these categories at the three laboratories. Most notably, with the exception of Asian men at Los Alamos and Sandia, and Hispanic men at Lawrence Livermore, salaries for minority men and women and White women were lower than for White men. Comparing men and women of the same race/ethnicity, we found that White, Asian, and Hispanic women earned less than their male counterparts in comparison with White men. For example, Hispanic men at Los Alamos earned 2 percent less than White men, while Hispanic women earned 10 percent less. Conversely, merit pay increases for minority men and women and White women tended to be equal to or greater than merit pay increases for White men, except for Hispanic men at Lawrence Livermore. For cash awards, some minority men and women at Sandia were more likely to receive an award than White men, while at Lawrence Livermore and Los Alamos, some were less likely to receive an award. Only Los Alamos had statistically significant differences in the likelihood of minority men and women and White women leaving the laboratories compared with White men. These differences existed after factoring in the following variables—age; tenure at the laboratory; education level; job subcategory (including postdoctoral and temporary status); citizenship status; security clearance level; and for Sandia’s staff, whether they were located in California or New Mexico. (See app. III for information on these variables for each laboratory.) Although the laboratories have somewhat different personnel systems and practices, our analyses of personnel actions included only those variables common to all three. For example, we did not include individual performance ratings and rankings, laboratories’ organizational structure, and market-based salary analysis and adjustments. We found that management promotions for minority men and women and White women generally met 80 percent of the promotion rate for White men, with a few exceptions. We did not find statistically significant differences, with some exceptions, for disciplinary actions. Because of data limitations, we could not determine whether minority men and women and White women were as likely as White men to be hired by the laboratories. (See app. I for details on our methodology.)

Salaries for Managerial and Professional Staff

We found statistically significant differences in the salaries for minority men and women and White women in managerial and professional job categories compared with White men in these categories, holding constant age; tenure at the laboratory; education level; job subcategory; citizenship

status; security clearance level; and for Sandia’s staff, whether they were located in California or New Mexico. Minority men and women and White women earned from 2 to 10 percent less than White men, except for Asian men at Los Alamos and Sandia, and Hispanic men at Lawrence Livermore, for whom there were no statistical differences from White men. Table 1 presents the results of our analysis. In this table, negative numbers indicate that the group earned a lower salary than White men, and blank spaces indicate that there were no significant differences for that group.

Table 1: Percent Difference in Salaries for Managerial and Professional Minority Men and Women and White Women in Comparison with White Men, Fiscal Years 1998 through 2000

Race/ethnicity and gender	Percent less than White men		
	Los Alamos	Sandia	Lawrence Livermore
Asian men			-5
Hispanic men	-2	-4	
Black and American Indian men and women ^a	-5	-4	-7
Asian women	-3	-3	-8
Hispanic women	-10	-7	-10
White women	-5	-4	-8

Note: Blank spaces indicate that results for these groups compared with White men were not statistically significant. Our analysis explains 88, 85, and 77 percent of the variance in salary differences in the 3-year period at Los Alamos, Sandia, and Lawrence Livermore, respectively.

^aThe laboratories did not have sufficient numbers of Blacks and American Indians for us to separately analyze their salaries by race/ethnicity and gender.

Source: GAO’s analysis of laboratories’ data.

As the table shows, overall, the greatest salary differences were found for Hispanic women, who earned from 7 to 10 percent less than White men. Conversely, with earnings ranging from zero to 5 percent less than those of White men, Asian men’s salaries show the least difference with White men’s salaries. In comparing men and women of the same race/ethnicity, we also found that White, Asian, and Hispanic women earned statistically significantly less than their male counterparts in comparison to White men. For example, Hispanic men at Los Alamos earned 2 percent less than White men, while Hispanic women earned 10 percent less.

Merit Pay Increases for Managerial and Professional Staff

The amount of merit pay increases for minority men and women and White women in managerial and professional job categories tended to be equal to or greater than the merit pay increases for White men in these categories, holding constant age; tenure at the laboratory; education level; job subcategory; citizenship status; security clearance level; and for Sandia’s staff, whether they were located in California or New Mexico.

Where there are statistically significant differences in merit pay increases, they favor minority men and women and White women, except for Hispanic men at Lawrence Livermore. Table 2 presents the results of our analysis. In this table, the negative number indicates that the group earned a lower merit pay increase than White men, positive numbers indicate that they earned more, and blank spaces indicate that there were no statistically significant differences for that group. For example, we found that White women and Asian men at Los Alamos, and White and Hispanic women at Sandia earned higher merit pay increases than White men.

Table 2: Percent Differences in Merit Pay Increases for Managerial and Professional Minority Men and Women and White Women in Comparison with White Men, Fiscal Years 1998 through 2000

Race/ethnicity and gender	Percent difference compared with White men		
	Los Alamos	Sandia	Lawrence Livermore
Asian men	33		
Hispanic men			-51
Black and American Indian men and women ^a			
Asian women			
Hispanic women		31	
White women	15	36	

Note: Blank spaces indicate that results for these groups compared with White men were not statistically significant. Our analysis explains 78, 58, and 67 percent of the variance in merit pay increases for the 3-year period at Los Alamos, Sandia, and Lawrence Livermore, respectively.

^aThe laboratories did not have sufficient numbers of Blacks and American Indians for us to separately analyze their merit pay by race/ethnicity and gender.

Source: GAO's analysis of laboratories' data.

Cash Awards for Managerial and Professional Staff

For cash awards, some minority men and women in managerial and professional job categories at Sandia were significantly more likely to receive an award than White men in these categories, while at Lawrence Livermore and Los Alamos, some minority men and women were less likely to receive an award, holding constant age; tenure at the laboratory; education level; job subcategory; citizenship status; security clearance level; and for Sandia's staff, whether they were located in California or New Mexico. Table 3 presents the results of our analysis. In this table, numbers less than 1 indicate that the group has a lower likelihood of receiving a cash award than White men, numbers greater than 1 indicate that the group is more likely than White men to receive a cash award, and blank spaces indicate that there were no significant differences for that group. For example, at Sandia, Asian women were a little more than three and a half times as likely as White men to receive a cash award.

Table 3: Differences in the Likelihood of Receiving a Cash Award for Managerial and Professional Minority Men and Women and White Women in Comparison with White Men, Fiscal Years 1998 through 2000

Race/ethnicity and gender	Likelihood of receiving a cash award compared with White men		
	Los Alamos	Sandia	Lawrence Livermore
Asian men		2.69	0.68
Hispanic men		1.82	0.56
Black and American Indian men and women ^a	0.53		
Asian women		3.66	
Hispanic women			0.36
White women			

Note: Numbers less than 1 indicate that the group has a lower likelihood of receiving a cash award than White men, numbers greater than 1 indicate that the group is more likely than White men to receive a cash award, and blank spaces indicate that results for these groups compared with White men were not statistically significant. Our analysis explains 36, 80, and 25 percent of the differences in the likelihood of receiving a cash award in the 3-year period at Los Alamos, Sandia, and Lawrence Livermore, respectively.

^aThe laboratories did not have sufficient numbers of Blacks and American Indians for us to analyze their cash awards by race/ethnicity and gender separately.

Source: GAO's analysis of laboratories' data.

Separations for Managerial and Professional Staff

At Sandia and Lawrence Livermore, minority men and women and White women in managerial and professional job categories were no more likely to leave the laboratory than White men in these categories, holding constant age; tenure at the laboratory; education level; job subcategory; citizenship status; security clearance level; and for Sandia's staff, whether they were located in California or New Mexico. However, at Los Alamos, minority men and women and White women, except for Asian men and women, were less likely to leave the laboratory than White men. Table 4 presents the results of our analysis. In this table, numbers less than 1 indicate that the group has a lower likelihood of separation from the laboratories than White men, numbers greater than 1 indicate that the group is more likely than White men to separate, and blank spaces indicate that there were no significant differences for that group. For example, White women at Los Alamos were about two-thirds as likely as White men to separate in the 3-year period. Separations include both voluntary actions, such as retirement, and involuntary actions, such as terminations for cause.

Table 4: Differences in the Likelihood of Separating from the Laboratory for Managerial and Professional Minority Men and Women and White Women in Comparison with White Men, Fiscal Years 1998 through 2000

Race/ethnicity and gender	Likelihood of separation compared with White men		
	Los Alamos	Sandia	Lawrence Livermore
Asian men			
Hispanic men	0.63		
Black and American Indian men and women ^a	0.40		
Asian women			
Hispanic women	0.56		
White women	0.69		

Note: Numbers less than 1 indicate that the group has a lower likelihood of separating than White men, numbers greater than 1 indicate that the group is more likely than White men to separate, and blank spaces indicate that results for these groups compared with White men were not statistically significant. Our analysis explains 66, 79, and 81 percent of the variation in the likelihood of separating in the 3-year period at Los Alamos, Sandia, and Lawrence Livermore, respectively.

^aThe laboratories did not have sufficient numbers of Blacks and American Indians for us to separately analyze their separations by race/ethnicity and gender.

Source: GAO's analysis of laboratories' data.

Promotions for Managerial and Professional Staff

We used the 80 percent rule¹⁵ set out in the federal government's Uniform Guidelines on Employment Selection Procedures as a criterion for determining whether the promotions of minority men and women and

¹⁵ The 80 percent rule is a "rule of thumb" under which EEOC, OFCCP, and other agencies will generally consider a selection rate for any race, sex, or ethnic group that is less than 80 percent of the selection rate for the group with the highest selection rate as a substantially different rate of selection. This rule of thumb is a guideline, not a regulation, and is a practical means of keeping the agencies' attention on serious discrepancies in the rates of hiring, promotion, and other selection decisions, and on the selection procedures they use. We used White men as the comparison group, rather than the group with the highest selection rate because this method allowed us to compare them with the same group across the laboratories. Using the 80 percent rule, we first determined the proportion of promotions for each race/ethnicity and gender group on the basis of their proportions in the officials and managers and professionals groups (the potential applicant pool). We then determined whether the proportions for minorities and women represented at least 80 percent of the proportion for White men. Unlike the analyses of salary, merit pay, awards, and separations, we did not control for any factors that might influence the likelihood of promotion. Additionally, we did not determine whether individuals in the "pool" had applied for a promotion or if they were eligible for a promotion in the 3-year period.

White women into management positions reflect the diversity of the potential applicant pools.¹⁶

We found that management promotions for minority men and women and White women in managerial and professional job categories over fiscal years 1998 through 2000 generally met 80 percent of the promotion rate of White men in these categories at the three laboratories, with a few exceptions:

- At Los Alamos, while four Asian women were promoted, three additional promotions would have been needed to reach the 80 percent criterion. Similarly, two more Black men, two more American Indian men, and two more Hispanic women would need to have been promoted to reach 80 percent of the promotion rate for White men.
- At Sandia, while nine Hispanic women were promoted, three more would have been needed to reach the 80 percent criterion.
- At Lawrence Livermore, no Asian men and one Asian woman were promoted, but five promotions and one additional one, respectively, would have been needed to reach 80 percent of the promotion rate for White men.

In some cases, the promotion rate for some minority men and women was greater than the promotion rate for White men. For example, at Lawrence Livermore, 10.8 percent of Black men received promotions compared with 2.2 percent of White men.

Table 5 shows, for each laboratory, the number of promotions by race/ethnicity and gender, the percentage promoted by race/ethnicity and gender, and the additional number of promotions needed to reach 80 percent of the White male promotion rate.

¹⁶ We conducted this analysis for promotions into management positions—the “officials and managers” category on the EEO-1—from a pool consisting of any staff on board at the laboratory within the period categorized on EEO-1s as either officials and managers or professionals. We did not analyze nonmanagerial professional promotions because the applicant pools were either external to the laboratories or from job categories within the laboratories that we did not examine.

Table 5: Number of Promotions for Each Race/Ethnicity and Gender Group, Percentage of the Group Promoted, and Number of Additional Promotions Needed to Reach 80 Percent of the Promotion Rate of White Men, Fiscal Years 1998 through 2000

Race/ethnicity and gender	Los Alamos			Sandia			Lawrence Livermore		
	Number	Percent	Needed	Number	Percent	Needed	Number	Percent	Needed
White men	662	19.6		243	6.5		66	2.2	
Asian men	24	16.3		8	5.2		0	0.0	5
Hispanic men	118	21.3		30	7.0		2	1.7	
Black men	1	4.5	2	4	4.9		8	10.8	
American Indian men	5	10.4	2	2	3.8		2	6.5	
White women	187	17.7		52	5.2		23	2.1	
Asian women	4	8.2	3	4	5.4		1	0.7	1
Hispanic women	62	15.0	2	9	3.8	3	1	1.1	
Black women	4	80.0		2	5.4		0	0.0	
American Indian women	3	12.5		1	3.8		0	0.0	

Note: Numbers are rounded down. Blank spaces indicate that the 80 percent rule was met (no additional staff needed to meet 80 percent of the White male promotion rate).

Source: GAO's analysis of laboratories' data.

Disciplinary Actions for Managerial and Professional Staff

From 1995 through June 2001, Los Alamos took 127 disciplinary actions against managers and professionals and Sandia took 112; for fiscal years 1995 through 2000, Lawrence Livermore took 139. The small number of actions limited the types of statistical tests we could use.¹⁷ For those analyses we conducted, we did not find statistically significant differences in the rate at which minority men and women and White women were disciplined compared with White men, with the following exceptions:

- At Los Alamos, the rate at which men were disciplined was higher than for women.
- At Sandia, the rate at which Hispanics were disciplined was higher than for Whites.
- At Lawrence Livermore, Blacks were disciplined at a higher rate than Whites, and men at a higher rate than women.

In examining the severity of the disciplinary action (such as reprimand, suspension, and termination) for all offenses combined, we found that

¹⁷ A more comprehensive statistical analysis would have considered the year of the disciplinary action, the type of offense, and the severity of punishment when testing for statistically significant differences by race/ethnicity and gender.

minorities and women were not disciplined significantly more severely than White men.¹⁸ Tables 16 to 18 in appendix III show the number and type of disciplinary actions against managers and professionals by race/ethnicity and gender.

Although we tested for statistical differences, we did not attempt to determine the cause of the differences we found. However, we did observe that disciplinary actions for certain offenses occurred only for specific groups. For example, only males were disciplined for Internet misuse. We also observed that certain offenses usually resulted in more or less severe punishments than others. For example, conducting commercial business on laboratory property typically resulted in harsher penalties than attendance behavior.

Hires for Managerial and Professional Staff

We were unable to determine whether minorities and women were significantly less likely to be hired than White men at the three laboratories during the 3-year period we reviewed. The laboratories provided data from their applicant tracking systems that were missing a large percentage of information on race/ethnicity, gender, education, and hiring decisions.

Problems with applicant data are not new. For example, in a 1989 conciliation agreement between OFCCP and Lawrence Livermore laboratory, the laboratory agreed to, among other things, upgrade its applicant tracking system to ensure that the system could be used for the complete and accurate analysis of hiring in the future. Nonetheless, in 2001, when OFCCP surveyed contractors on EEO information, Lawrence Livermore continued to report missing race/ethnicity and gender data on applicants. All three laboratories attribute the missing data to nonreporting by applicants, which is voluntary.

Although OFCCP requires the laboratories to collect data on the race/ethnicity and gender of applicants, if possible, the submission of this information by the applicant is voluntary. Officials at the three

¹⁸ There were too few disciplinary actions to statistically compare the severity of punishment for the type of offense and to analyze any differences by gender within each minority group. For example, we could not analyze whether Hispanic men and White men committing the same offense received significantly different punishments for those offenses, nor could we determine whether men and women within a minority group, such as Hispanics, received significantly more severe or less punishment for the same offense.

laboratories told us that they have difficulty obtaining these data because applicants are not required to provide information on race/ethnicity and gender on their applications and often do not. Officials at Sandia told us they identify applicants' race/ethnicity and gender at the time of an interview, if that information was not provided previously. Los Alamos and Lawrence Livermore officials told us they are prohibited by the University of California's policy from making visual identifications. OFCCP and EEOC officials reiterated the importance of collecting race/ethnicity and gender information on applicants, including the use of visual inspections, which is not prohibited by law. Furthermore, Lawrence Livermore officials told us that more than 90 percent of the applicants submit a resume using the Web form, which since mid-2001 has asked applicants to voluntarily identify their race/ethnicity and gender. However, the laboratory has not yet assessed if this method is an effective tool to collect information on race/ethnicity and gender for applicants.

Staffs' EEO Concerns Focus Primarily on Four Issues

Minority and female laboratory staffs' EEO concerns focus primarily on recruiting, pay, promotion, and the laboratories' work environment. We identified these concerns through laboratory surveys and studies; a DOE Task Force Against Racial Profiling; EEOC commissioners' charges obtained from the laboratories; and formal complaints filed by laboratory staff with OFCCP, which are described in the next section of this report. These concerns also surfaced during some of our interviews with representatives of racial/ethnic groups and women at the laboratories. Our analysis did not include individual complaints filed by laboratory staff with EEOC because this is confidential information.¹⁹ In addition, we did not attempt to prove or disprove the validity of these concerns, nor did we assess the laboratories' efforts to address these concerns.

Recruiting

Some minority staff attribute their low representation in certain job categories to recruiting strategies that do not extensively target colleges and universities with large minority populations. For example:

¹⁹ The commission is prohibited from making public any information obtained under title VII of the Civil Rights Act of 1964, as amended, unless that information has been made part of a legal proceeding under the act (title VII, sec. 706(b) and 709(e); 42 U.S.C. 2000e-5(b) and 2000e-8(e)). Under EEOC's implementing regulations, this prohibition is applicable to charges filed by employees and information the agency obtains during an investigation of these charges. (29 C.F.R. 1601.22) We could not use in our report EEOC information on complaints filed with it by laboratory staff because we are required to maintain the same level of confidentiality for this information as does EEOC (31 U.S.C. 716(e)(1)).

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- According to the December 2000 Los Alamos Asian and Pacific Islander Career Enhancement Task Force report, the task force found that Asian and Pacific Islanders are underrepresented in management and supervisory positions and the laboratory needs to increase its efforts to aggressively recruit Asians.²⁰ They believe the laboratory has not participated in professional meetings of Asian-specific organizations or targeted universities with significant Asian populations as much as it could.
 - Similarly, representatives of minority groups at the three laboratories expressed concerns about recruitment efforts. For example, representatives at each laboratory told us that some minorities are not well represented at the laboratory because the laboratory does not recruit extensively at colleges and universities with high proportions of minority students.

Pay

Some minorities and women perceive that they are not paid equitably and that performance appraisals and ranking systems do not treat minorities and women fairly and therefore contribute to pay inequities at the three laboratories. For example:

- According to results of the March 2000 Los Alamos Work Environment Survey, some minority groups and female employees were significantly more likely to disagree with the belief that they are fairly compensated in relation to their contribution.²¹
- At Sandia, salaries for some women technical staff (Principal Member of Technical Staff and Distinguished Member of Technical Staff) are slightly below their male counterparts' according to the Women in Technical Management Project Team's presentation in February 2000. Also, at Sandia, fewer women than men agree or strongly agree that Sandia is doing an excellent job of matching pay with performance according to the 1999 Sandia Employee Attitude Survey.²²

²⁰ The survey was distributed to 289 Asian and Pacific Islanders at the laboratory of which 65 (22.5 percent) responded.

²¹ The survey was distributed to all 7,001 full- and part-time laboratory employees of which 2,904 (41 percent) were completed and returned.

²² The survey was distributed to 1,781 employees, which represented a stratified random sample of approximately 23 percent of employees in all divisions at Sandia. Of the 1,781 surveys distributed, 1,092 were returned for a response rate of 61.3 percent.

-
- While 45 percent of Lawrence Livermore staff responded favorably regarding their pay, benefits, and recognition, Asians responded significantly less favorably, according to the laboratory's 2001 Assessing the Workplace Survey.²³ Also, only 44 percent of Lawrence Livermore's staff believe that the performance and evaluation system is fair and consistently applied, according to the laboratory's 2001 survey.

Promotion

Some minority and female staff at the three laboratories have concerns about promotion opportunities into top management positions. For example:

- Generally, some Asians at Los Alamos believed that they were underrepresented in laboratory management and felt that they had a minimal chance to be promoted into these management positions, according to the December 2000 Asian and Pacific Islander Career Enhancement Task Force.²⁴
- At Sandia, women were less likely to receive special appointments, such as deputy director or senior manager, according to a 2000 study on women in technical management.
- While 55 percent of Lawrence Livermore's staff were satisfied with career development opportunities, Asians were significantly less likely to be satisfied, according to the laboratory's 2001 survey.

Laboratory Work Environment

Some minority and female staff raised concerns about the laboratories' lack of sensitivity to cultural and gender differences: For example:

- According to DOE's 2000 Task Force Against Racial Profiling, an atmosphere of distrust and suspicion existed at the laboratories and other DOE facilities the task force visited;²⁵ some employees felt that their

²³ The survey was distributed to 7,709 laboratory employees, and had a 70 percent return rate.

²⁴ The survey was distributed to 289 Asian and Pacific Islanders at the laboratory of which 65 (22.5 percent) responded. Of the respondents, 77 percent were aware of underrepresentation of Asian and Pacific Islanders in management.

²⁵ The DOE Task Force conducted site visits during the summer and fall of 1999 at Los Alamos National Laboratory; Sandia National Laboratory, New Mexico and California; Lawrence Livermore National Laboratory; Oak Ridge National Laboratory; Savannah River Site Facility; Argonne National Laboratory; Brookhaven National Laboratory; and Stanford Linear Accelerator Center. The task force issued its report in January 2000.

loyalty and patriotism was questioned because of racial factors. In particular, Asians cited a hostile work environment and speculated that their opportunities for promotions, choice job assignments, and developmental training had been greatly reduced as a result of this atmosphere of distrust and suspicion.

- At Los Alamos, according to its 2000 survey, 13 percent of women, 25 percent of Asians, 14 percent of Hispanics, and 11 percent of American Indian staff did not feel accepted because of their race/ethnicity.
- At Lawrence Livermore, 59 percent of the staff believed that differences in the unique qualities of individuals and groups are recognized and respected within the laboratory, but Blacks and women were significantly less likely to share this view, according to the laboratory's 2001 survey. Furthermore, while 57 percent of the staff generally agreed that the laboratory's work environment and culture supports staff in speaking freely and in challenging traditional ways, Asians were significantly less likely to hold this view.

Commissioner Charges

EEOC has brought commissioner charges against two of the laboratories—Los Alamos and Lawrence Livermore—charging unlawful employment practices against Asians because of their race and national origin, according to documents we obtained from the laboratories.²⁶ The charges cited, among other things, harassment, a hostile work environment, and limited opportunities for promotion. Pursuant to the commissioner charges received from the laboratories, the charges are based on information received from current and former laboratory staff, information in the media, and government reports. The charge against Los Alamos was brought in February 2000, and the charge against Lawrence Livermore was brought in October 1999. According to laboratory officials, these cases were ongoing as of February 2002.

²⁶ A commissioner can file a charge against an employer or other respondent on the basis of information obtained by EEOC that indicates discrimination may have occurred. While charges are in the investigative stage, the confidentiality provisions of title VII prohibit EEOC from acknowledging publicly that charges have been filed against a specific employer. Accordingly, the information regarding the two commissioner charges was obtained from the laboratories, not EEOC.

Improved Collaboration between DOE and OFCCP Could Help to Ensure Laboratories' EEO Compliance

Although DOE and OFCCP share the common goal of ensuring that the laboratories meet EEO requirements, they have different roles and take different approaches to evaluating the laboratories' EEO efforts. DOE's primary role is contract oversight, which focuses on the laboratories' EEO performance in meeting their EEO contractual performance objectives, such as the laboratories' efforts to improve the representation of minorities and women at the laboratories. OFCCP's role is EEO enforcement, which focuses on EEO compliance with applicable laws and regulations. Although each agency's assessment yields different information, the agencies do not routinely coordinate their efforts. Both agencies have EEO information and expertise that would be beneficial to share. Closer collaboration could leverage resources to more comprehensively assess the laboratories' EEO compliance.

As part of its approach to fulfilling its contract oversight role, DOE operations staff conduct performance-based assessments of the laboratories' efforts to fulfill contract obligations, including those for EEO. In doing so, DOE works with the laboratories throughout the year to set annual performance objectives and measures. According to DOE officials in the operations offices, they work with laboratory managers during the year on EEO issues and review the EEO systems the laboratories have in place. At the end of the year, the laboratories assess their performance, including their performance on EEO activities, and report their assessments to DOE. DOE reviews these self-assessments and rates the laboratories' performance on a five-point scale—"unsatisfactory," "marginal," "good," "excellent," and "outstanding." For example, Los Alamos has EEO performance objectives in its contract to promote workforce diversity and to improve the representation of minorities and women in the workforce through the planning and implementation of good faith efforts designed to improve the recruitment, selection, and retention of women and minorities in high-priority underutilized job groups.²⁷ The laboratory can receive a "good" rating if it develops and implements a plan to achieve these objectives. The higher ratings of "excellent" and "outstanding" are achieved if, among other things, the laboratory's high-priority underutilized job groups show improvement toward full utilization

²⁷ Underutilized job groups have fewer minorities and women than would reasonably be expected by their availability. "Availability" is defined as an estimate for each job group by race/ethnicity and gender of the population of potential employees for each job group. Los Alamos has identified specific job groups with long-standing underutilization as high-priority.

(“excellent”) or if full utilization is achieved for each designated high-priority job group (“outstanding”).

Table 6 shows DOE’s ratings for fiscal years 1998 through 2000 for Los Alamos and Lawrence Livermore’s EEO performance. Unlike these laboratories, at Sandia, EEO performance is included under its human resources performance measure. For the 3 fiscal years, DOE rated Sandia as “outstanding” in human resources.

Table 6: DOE’s EEO Ratings for Los Alamos and Lawrence Livermore, Fiscal Years 1998 through 2000

Year	Los Alamos	Lawrence Livermore
1998	Excellent	Excellent
1999	Excellent	Good
2000	Excellent	Good

Source: DOE’s assessments of Los Alamos’ and Lawrence Livermore’s performance for fiscal years 1998, 1999, 2000.

In addition, the fiscal year 2000 contracts for Los Alamos and Lawrence Livermore each included a new EEO-related performance measure for diversity activities. Diversity activities include, for instance, actions to improve the effectiveness and performance of all groups and individual members of the workforce. Such efforts are designed to be respectful of employee and group differences, such as race, ethnicity, gender, disability status, sexual orientation, job classification, thinking styles, and other factors of difference. DOE rated Los Alamos’ diversity performance as “good” and Lawrence Livermore’s as “marginal,” primarily because Lawrence Livermore did not meet the requirement to document a plan of initiatives by the end of the assessment year.

OFCCP—the agency responsible for EEO enforcement at the laboratories—conducts compliance evaluations that investigate virtually all aspects of the contractor’s employment practices to determine whether the laboratories have complied with applicable laws and regulations. During these evaluations, OFCCP examines personnel, payroll, and other employment records and affirmative action programs; conducts statistical analyses; and interviews employees and company officials. While OFCCP conducts comprehensive evaluations, these evaluations are intermittent. Under OFCCP’s selection system, contractors are randomly selected for evaluation from a pool of contractors who have not been evaluated in the previous 2 years and whose labor force composition shows underutilization and/or concentration of women or specific minority

groups. According to OFCCP officials, the agency has limited resources and capacity for conducting compliance evaluations; only 800 staff oversee 100,000 facilities, government-wide. In 2000, it evaluated 4.2 percent of the facilities, or 4,162 facilities.

From 1989 through 2001, OFCCP completed eight compliance evaluations at the three laboratories and reported the following:

- Los Alamos had four compliance evaluations. In 1993, OFCCP reported three EEO violations regarding technical problems with the laboratory's record keeping and supporting data for its affirmative action program. For example, Los Alamos' workforce analysis did not include all the required elements. In addition, OFCCP reported that Los Alamos failed to properly monitor and keep data to determine if minorities and women were given full and equal opportunity to participate in the informal succession plan that could enhance their promotional opportunities. OFCCP closed its other three evaluations in 1994, 1998, and 1999 with no findings of violations.
- Sandia had three compliance evaluations. In a 1992 conciliation agreement with OFCCP, Sandia agreed to correct 15 identified violations of, among other things, EEO policies, promotions, and record keeping. In addition, in a 1995 conciliation agreement, the laboratory agreed to correct five EEO violations, and DOE reimbursed the laboratory for the settlement amount of about \$38,000 paid to 12 minority and women staff for salary and promotion violations. A 1999 compliance evaluation resulted in two affirmative action program violations for not addressing ways to increase the hiring and representation of Blacks and Hispanics at the laboratory, which Sandia agreed to correct.
- Lawrence Livermore last had a compliance evaluation that began in 1987. In the resulting 1989 conciliation agreement, the laboratory agreed to correct 16 EEO problems that OFCCP had identified, including disparate treatment of some minority groups in hiring, inadequate recruiting efforts at historically Black colleges and universities and those with high Hispanic enrollment, and the failure to properly implement commitments made in its affirmative action program.

In addition to its compliance evaluations, OFCCP investigates complaints of employment discrimination involving groups of people or patterns of discrimination filed with OFCCP by federal contractor employees. OFCCP conducted six EEO complaint investigations at the laboratories from 1990 through 2001—one at Los Alamos, five at Sandia, and none at Lawrence Livermore. These complaints alleged unfair practices in promotion, hiring, and termination, as well as sexual harassment, and retaliation for filing

complaints. OFCCP found no violation in one case at Sandia and no determination for two complaints at Sandia.²⁸ For the other three complaints, OFCCP found serious problems—two at Sandia and one at Los Alamos—and closed them with conciliation agreements. For example, in May 1998 Los Alamos settled a complaint of discrimination filed by Hispanic employees who lost their job during a reduction-in-force in November 1995. Under the settlement, the laboratory reinstated the employees, and Los Alamos paid \$625,000 in settlement costs, which was reimbursed by DOE under the contract.²⁹

While DOE and OFCCP's evaluations yield different information on the laboratories' EEO performance, the agencies work independently and do not routinely coordinate their efforts. Further, at times, the agencies' differing approaches yield what appear to be contradictory results. For example, in 1999, DOE rated Sandia as "outstanding" in human resources, which includes EEO performance; while a 1999 OFCCP compliance evaluation at Sandia resulted in two affirmative action program violations for not addressing ways to increase hiring and representation of Blacks and Hispanics at the laboratory; Sandia agreed to correct these problems. Although the agencies agree that they are working toward the common goal of ensuring the laboratories' compliance with EEO requirements, they have not established an ongoing formal working relationship. Both agencies have EEO information and expertise that would be beneficial to share. For example, DOE could provide OFCCP with information on the current EEO issues at the laboratories as they arise, status of the laboratories' progress in hiring minorities and women, and trends in EEO complaints raised by laboratory staff. Conversely, OFCCP could provide DOE with technical assistance and guidance on EEO compliance.

Effective coordination among agencies with common goals has been a long-standing problem in the federal government and has proven to be difficult to resolve. The Government Performance and Results Act of 1993 (GPRA) establishes a framework to address these long-standing coordination challenges. The intent of GPRA is to shift the focus of the

²⁸ According to an OFCCP official, OFCCP's system defines "no determination" as one of four resolutions: (1) resolved by the contractor prior to investigation, (2) resolved by the contractor during the experimental Expedited Resolution Procedures, (3) resolved by the contractor during the investigation, or (4) resolved by another agency in favor of the complainant.

²⁹ The laboratories' litigation costs related to EEO lawsuits brought against it by its employees are generally reimbursed by DOE as an allowable cost under its contract.

federal government from a preoccupation with activities to results, so that agencies sharing common goals work together to develop program strategies that support each other's efforts. As we have reported, agencies with common goals that do not effectively coordinate their activities waste scarce resources and undercut the overall effectiveness of federal efforts.³⁰ Furthermore, Executive Order 11246 requires DOE to cooperate with OFCCP by providing information and assistance as requested by OFCCP. According to DOE officials, they do not regularly coordinate because they believe that OFCCP has the lead enforcement responsibility and should therefore initiate coordination activities. While OFCCP generally perceives its role as conducting independent compliance evaluations, it agreed that developing an ongoing formal relationship with DOE officials responsible for contractor oversight might be beneficial.

Conclusions

The secretary of energy has indicated his commitment to ensuring that the department maintains a respectful and productive work environment for both federal and laboratory employees—one that is free of racial profiling, discrimination, and fear. Our findings of statistically significant differences in some personnel actions for managerial and professional staff at the three weapons laboratories do not prove or disprove discrimination; they do, however, raise questions about the reasons for these statistical differences. It is therefore important that DOE, in consultation with OFCCP, explore the reasons for these differences with the laboratories to assure itself that discrimination is not occurring. This effort would also give OFCCP and DOE an opportunity to work together on any potential EEO issues at the laboratories.

OFCCP's in-depth compliance evaluations at the laboratories provide specific information on the laboratories' EEO compliance. However, these evaluations—in contrast with DOE's annual assessments and regular interactions with laboratory staff—are conducted only intermittently. Taken together, DOE's and OFCCP's evaluations and knowledge about the laboratories could provide a more comprehensive assessment of the laboratories' EEO performance. However, the agencies do not regularly work with each other toward their common objective of EEO compliance at the laboratories. As result, they are not leveraging their limited

³⁰ See our testimony before the Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations, House Committee on Government Reform, entitled *Managing for Results: Using GPRA to Assist Oversight and Decisionmaking*, GAO-01-872T (Washington, D.C.: June 19, 2001).

resources to achieve maximum results, as intended by the Government Performance and Results Act of 1993.

Recommendations for Executive Action

To understand the implications of the statistical differences we found and to evaluate their practical significance, we recommend that the secretary of energy, in consultation with the director of OFCCP, determine their causes and take the necessary corrective steps, if appropriate, to address any EEO problems identified.

To help ensure that DOE and OFCCP work more collaboratively toward their common goal of EEO compliance at the laboratories, we recommend that the secretary of energy and the secretary of labor explore the costs and benefits of various options for developing and implementing (1) a more formal collaborative relationship to facilitate the sharing of information and expertise and (2) an effective means for monitoring and assessing this collaborative relationship.

Agency Comments

We provided DOE, the Department of Labor, and EEOC with a draft of this report for their review and comment. DOE and the Department of Labor provided written comments, which are presented in appendixes IV and V, respectively. On April 8, 2002, the Director of Communications and Legislative Affairs, EEOC, provided oral comments on the draft report.

In responding to the draft report, DOE agrees to work with the Department of Labor's OFFCP to achieve the desired effect of our recommendations as well as to establish better communications between the two agencies. Regarding the methodology we used to analyze the laboratories' personnel actions, DOE states that the criteria used in our analysis is different than the criteria used by the laboratories and could produce different statistical conclusions. Our report acknowledges that our methodology was not designed to prove or disprove discrimination, be specifically tailored for each laboratory, or be exhaustive; rather our focus was to identify statistical differences using analytical techniques widely accepted and used in human capital studies to evaluate differences in compensation and other employment-related subjects. Further our methodology allowed for the most straightforward and parallel analysis of the laboratories' personnel data. In addition, DOE states that it has initiated its own statistical review, which is consistent with our recommendation, and that DOE will use our report in the implementation of its National Nuclear Security Administration's diversity program.

The Department of Labor also agreed with our recommendations. Specifically, the department's OFCCP offers its services and expertise to DOE so it may perform the necessary and appropriate analyses of the statistical differences we reported, and if problems exist, OFCCP can work in partnership with DOE to assist in the design and implementation of corrective action, as appropriate. OFCCP supports entering into a dialogue with DOE with the aim of establishing a more collaborative effort that will leverage resources to assist DOE in better achieving compliance with EEO statutes and guidelines. Such a collaborative effort could include the cross-training of staff, compliance assistance regarding enhanced investigative techniques, education regarding self audit tools that would better serve to identify potential problems early, and where appropriate sharing with DOE the results of any compliance evaluations and or compliant investigations of the laboratories prior to formalizing the findings. Furthermore, the Department of Labor states that it looks forward to working more closely with DOE in order to effect stronger EEO workplaces at the nation's weapons laboratories.

EEOC did not have any comments on the report's findings, conclusions, or recommendations. However, EEOC officials did provide minor technical comments, which we incorporated, as appropriate.

We conducted our review from February 2001 through February 2002 in accordance with generally accepted government auditing standards. Appendix I provides details about the scope and methodology of our review.

As arranged with your offices, unless you publicly announce the contents of this report earlier, we plan no further distribution of it until 30 days from the date of this letter. We will then send copies to the secretary of energy; the secretary of labor; the chair, Equal Employment Opportunity Commission; the director, Office of Management and Budget; appropriate congressional committees; and other interested parties. We will also make copies available to others on request.

If you or your staff have any questions about this report, please call me on (202) 512-3841. Key contributors to this report are listed in appendix VI.

A handwritten signature in black ink that reads "Gary L. Jones". The signature is written in a cursive style with a large, stylized "G" and "J".

(Ms.) Gary L. Jones
Director, Natural Resources and Environment

Appendix I: Objectives, Scope, and Methodology

This appendix details the methods we used to (1) describe the composition of weapons laboratory staff by race/ethnicity, gender, and job category in 1995 and 2000 to determine how the composition of laboratory staff has changed in the 5-year period; (2) determine whether there are statistically significant differences in selected personnel actions for managers and professionals when comparing minority men and women and White women with White men in fiscal years 1998 through 2000, the most current reliable data available at the time of our data request; (3) describe equal employment opportunity (EEO) concerns raised by laboratory staff; and (4) identify, if appropriate, opportunities for improving the Department of Energy's (DOE) and Office of Federal Contract Compliance Programs' (OFCCP) oversight of the laboratories' compliance with EEO requirements.

Our review focused on personnel actions and EEO concerns at DOE's three major weapons laboratories—Los Alamos National Laboratory located in New Mexico, Sandia National Laboratory located in New Mexico and California, and Lawrence Livermore National Laboratory located in California. We interviewed and obtained data and documentation from relevant officials at DOE's, OFCCP's, and the Equal Employment Opportunity Commission's (EEOC) headquarters offices in Washington, D.C.; DOE officials in the Albuquerque and Oakland operations offices located in New Mexico and California, respectively; and laboratory officials in New Mexico and California. We used the race/ethnicity groups specified by EEOC and OFCCP: White, not of Hispanic origin (White); Asian or Pacific Islander (Asian); Black, not of Hispanic origin (Black); Hispanic; and American Indian or Alaskan Native (American Indian) for our analysis. At the request of Representatives Eddie Bernice Johnson and David Wu, to provide the most complete information possible, we performed our analysis for each minority and gender group, if the data were sufficient for such analysis. We conducted our work in accordance with generally accepted government auditing standards from February 2001 through February 2002. In addition, we approached each objective as discussed below.

**First Objective:
Describe the
Composition of
Weapons Laboratory
Staff by
Race/Ethnicity,
Gender, and Job
Category in 1995 and
2000**

We obtained data from the laboratories on the number of staff by race/ethnicity, gender, and job category group in 1995 and 2000, as reported annually by the laboratories to EEOC on the Employer Information Reports (EEO-1s).¹ Because Lawrence Livermore did not file an EEO-1 with EEOC in 1995, to complete our analysis, we also obtained comparable data that it reported to DOE for 1995. We compared the data from 1995 to 2000 to determine how the composition of laboratory staff had changed in a 5-year period. Our analysis included eight of the nine job category groups required for the EEO-1s: officials and managers, professionals, technicians, office and clerical, craft workers, operatives, laborers, and service workers. The laboratories do not have sales workers, which is the ninth job category; therefore, sales workers were not part of our analysis. For ease of analysis and presentation, we grouped the laboratory jobs into three categories: managers and professionals, which comprise the majority of staff at each of the laboratories; technicians, clerks, and craft workers; and operatives, laborers, and service workers. We performed this analysis to provide descriptive information about whom, in terms of race/ethnicity and gender, works at the laboratories; we purposely did not comment on the appropriateness of the racial/ethnic or gender composition of staff at each laboratory.

¹ Technically, federal contractors submit EEO-1 forms, otherwise known as Standard Form 100, to the Joint Reporting Committee, which consists of EEOC and OFCCP. While EEOC and OFCCP jointly dictate EEO-1 requirements, the responsibility for administering this survey has historically been held by EEOC. Thus, we will refer to EEOC in the report rather than the Joint Reporting Committee when we discuss EEO-1s.

**Second Objective:
Determine Whether
There are Statistically
Significant
Differences in
Selected Personnel
Actions for Managers
and Professionals
When Comparing
Minority Men and
Women and White
Women with White
Men in Fiscal Years
1998 through 2000**

Our statistical analysis of laboratory staff includes only those categorized on the EEO-1 form as officials and managers and professionals, and non-EEO reporting limited-term staff (such as postdoctoral students who hold professional occupations on a temporary basis). We elected to review only these groups because they represent the majority of laboratory staff, and unlike certain other staff, personnel data for these employees are maintained by the laboratories and were available to us. We did not include the following other EEO-1 job categories used by the laboratories in our analysis: technicians, office and clerical, craft workers, operatives, laborers, and service workers. We also did not include sales workers because the laboratories do not have sales workers.

We applied various statistical tests to the employee data on personnel actions provided by the laboratories. Our analyses are not designed to prove or disprove discrimination; rather they are designed to provide information at an aggregate level about race/ethnicity and gender differences in personnel actions at the laboratories. Although the laboratories have somewhat different personnel systems and practices, our analyses of personnel actions included only those variables common to all three. For example, we did not include individual performance ratings and rankings, laboratories' organizational structure, and market-based salary analysis and adjustments. Consequently, our analyses of personnel actions are neither exhaustive nor specifically tailored for each laboratory. However, we did consult with the laboratories regarding our analytical approach to make sure we were receiving the appropriate data for the analysis and that the laboratories understood how we would be using their data. Additionally, we consulted with OFFCP about our methodology, and they agreed that our methodology was appropriate and reasonable. Our analyses are not designed to prove or disprove discrimination in a court of law; rather they are designed to provide information at a common and aggregate level about race/ethnicity and gender differences in personnel actions at the laboratories. Therefore, our results do not indicate whether discrimination has or has not occurred.

The federal government's Uniform Guidelines on Employment Selection Procedures direct agencies to analyze personnel actions of groups protected by title VII of the Civil Rights Act. Under the guidelines, agencies analyze personnel actions by race/ethnicity and gender separately; for example, to compare Whites with minorities as a group and to compare men of all races/ethnicities with women of all races/ethnicities. At congressional request, we performed our statistical analyses somewhat differently to show the most information possible about each minority and gender group at the laboratories. To do this, we compared each minority

group and gender separately if the data were sufficient to allow this level of analysis using White men as our benchmark. There were not enough Black men and women or American Indian men and women to analyze separately for the salary, merit pay, cash award, and separation analyses, and we therefore analyzed them as one group.² This approach allowed us to determine whether each race/ethnicity and gender group, such as Hispanic women or Asian men, had different personnel outcomes than White men. We have included tables in appendix III detailing the results of salary, merit pay, cash award, and separation analyses using the federal guidelines comparing Whites with minorities as a group and men of all races/ethnicities with women of all races/ethnicities.

Salary, Merit Pay, Cash
Awards, and Separations

To determine whether there are statistically significant race/ethnicity and gender differences in salary, merit pay increases, cash awards, and separations for managerial and professional staff at each laboratory, we used multivariate regression techniques. We chose this analytic design because (1) it is widely used in human capital literature to evaluate differences in compensation and other employment-related subjects, (2) it allowed for the most straightforward and parallel analysis of the laboratories' personnel data, and (3) it is an appropriate statistical method for answering objective 2.

The laboratories provided data from their personnel, payroll, and security clearance systems for our analyses.³ We requested data for exempt staff⁴ in the top two EEO-1 job categories (officials and managers and professionals) and for selected limited-term employees, such as postdoctoral students. We included these limited-term employees primarily because they occupy professional positions and because these temporary positions are often a pathway to permanent managerial and professional positions. We requested data for the 3-year period, fiscal

² No tests of equivalence were performed for this grouping.

³ Our data reliability assessment of the personnel, clearance, and payroll information indicated that the data and data systems were sufficiently reliable and complete to perform our analyses.

⁴ The term "exempt" employee refers to exemption from the provisions of the Fair Labor Standards Act. These employees are classified only in the officials and managers and professionals categories on the EEO-1s. There are no nonexempt employees classified as "official and manager" or "professional." Although students, limited-terms, and postdocs are not permanent employees, they are exempt employees and are in positions that would be classified as professional level positions.

years 1998 through 2000, because these were the most current data available at the time of our data request. The laboratories told us that because of changes in laboratory structure and record retention, we could obtain reliable data only for the most recent 3-year period. We analyzed the data at the individual level using the complete population of officials and managers, professionals, and postdoctoral laboratory staff for the 3-year period. We analyzed the data separately for each laboratory.

Control variables allowed us to determine whether pay differences between men and women and minorities existed despite their equality in position and other human capital characteristics, such as tenure and education level. For our analyses of salary, merit pay increases, awards, and separations, we controlled for age; tenure at the laboratory; education level; job subcategory (including postdoctoral and temporary status); citizenship status; security clearance level; and for Sandia's staff, whether they were located in California or New Mexico. We controlled for these factors because they are widely used in human capital models and because these items were available from all three laboratories. Some of our models include additional, model-specific control variables. Specifically, we included a variable in the salary model denoting whether a promotion had been received in the 3-year period, because less time in grade would generally be associated with lower pay. Given that merit pay increases are proportional to salary, we included salary as a control in the merit pay analysis. Similarly, we included award receipt, salary, and merit pay in the separations analysis, as they may be incentives to separate or remain at the laboratory. Descriptive information for the laboratories based on the control variables is provided in tables 7 to 15 in appendix III.

As our measure of job subcategory, we used the EEO-1 subcategories developed by the laboratories for use in their affirmative action programs. These job subcategories are a breakdown of roughly 7 to 10 positions within the officials and managers EEO-1 category, and from 6 to 10 positions within the professional EEO-1 category. These categories are based on such factors as job content, opportunities, and compensation.⁵ While the categories are not exactly the same across the laboratories, they should be roughly equivalent in the way personnel are assigned to them, and they should be highly reflective of the pay one would expect, given the

⁵ For example, there are two separate tracks for laboratory and technical staff, each with the job subcategories of director, supervisor, managerial, distinguished, primary, senior, and general.

level and function associated with the job subcategory. Tables 9, 12, and 15 in appendix III detail the titles and average base salaries associated with these job subcategories. Compensation data reflect employees' most recent base salary. Merit increases represent an average for the 3-year period, adjusting for the length of time employees were on board during that period. We examined only the cash distributions for our awards analysis. Although the laboratories use a variety of noncash awards, such as gift certificates, we did not include these in our awards analysis because the laboratories do not record them in their personnel or payroll systems. If an award of any amount were received at any point in the 3-year period, the individual was coded as having received an award. Separations from the laboratory include voluntary actions, such as retirements and resignations, and nonvoluntary actions, such as terminations for cause. If an employee terminated his/her employment at the laboratory for any reason in the 3-year period, he/she was coded as having separated.

In accordance with economic analysis literature, we used the natural log of salary and merit pay in our models.⁶ Salary and merit pay were modeled with Ordinary Least Squares regression, and award receipt and separations were modeled with logistic regression. Race/ethnicity and gender differences in salary, merit pay, cash awards, and separations were considered statistically significant if the probability of the t-statistic or chi-square value associated with the coefficient was 0.05 or lower. In other words, if observed race/ethnicity and gender differences in salary, merit pay, awards, and separations could have occurred by chance less than 5 percent of the time, we assumed with 95-percent confidence that these differences were statistically significant.

Promotions

To determine whether promotions of minority men and women and White women into the "officials and managers" category on the EEO-1 reflects the diversity of the potential applicant pool (other managers and officials and professionals), we applied the 80 percent rule set out in the federal government's Uniform Guidelines on Employment Selection Procedures. We did not analyze nonmanagerial professional promotions because the applicant pools were either external to the laboratories or were from job

⁶ Since we are not reporting any coefficients for the salary and merit pay analyses that are greater than 1 (or 100 percent), the values reported in the tables and text are appropriately interpreted as a greater or lesser percentage earned as a result of race/ethnicity and gender as compared with White men.

categories within the laboratories that we did not examine. Using the 80 percent rule, we first determined the proportion of promotions into the officials and managers category for each race/ethnicity and gender group on the basis of the number of promotions received in the 3-year period and the total number of laboratory staff of each group. We then determined whether the proportions for minority men and women and White women represented at least 80 percent of the proportion for White men. The rule specifies that minority promotions should reach at least 80 percent of the promotion rate of the group with the highest promotion rate. However, since we used White males as our reference group in all other analyses, we used the White male promotion rate as the benchmark, regardless of whether it was the highest.

Since there are a limited number of promotions every year, we examined promotions for the entire 3-year period. Since postdoctoral and limited-term employees are not eligible for promotion, they were not included in the promotion analysis. If a personnel action denoted a promotion⁷ into the officials and managers category, the race/ethnicity and gender of the employee receiving the promotion was recorded. If an individual received more than one promotion in the 3-year period, the action, and not the individual, would be counted as a promotion. For example, if one Hispanic woman at the laboratory were promoted twice in the 3-year period, it would count as two promotions for Hispanic women. The potential applicant pool consists of permanent laboratory staff in managerial or professional positions at any time in the 3-year period. Because of data limitations, we could not determine the exact number of permanent laboratory staff at the time of each promotion. The number of individuals needed to reach 80 percent of the White male promotion rate was rounded down. For example, where a minority group was short of the 80 percent promotion rate by 2.8 people, that group would be reported as being 2 people short. Unlike the analyses of salary, merit pay, awards, and separations, we did not control for any factors that might influence the likelihood of promotion. Additionally, we did not have data on either who was eligible to compete for a promotion or who actually applied for a promotion. Our approach was similar to looking at promotions of GS-14-

⁷ For all laboratories, these were personnel actions labeled “promotion.”

and GS-15-level federal employees into the Senior Executive Service, or SES.⁸

Disciplinary Actions

To determine whether there were statistically significant differences in disciplinary actions for managerial and professional staff at each laboratory, we requested disciplinary data from the laboratories. The requested data show disciplinary actions by type of offense (e.g., falsifying time records, sexual harassment, etc.), the severity of the penalty (e.g., reprimand, suspension, termination, etc.), and the race/ethnicity and gender of the employee disciplined. The laboratories did not have identical types of offenses or levels of penalties. We combined these data with laboratory population data from the EEO-1 forms. Because of differences in record keeping at the different laboratories, the time period for disciplinary data varied slightly. In general, the data were for fiscal years 1995 through June of 2001; Los Alamos provided data from January 1, 1995, to June 30, 2001, Sandia provided data from October 1, 1994, to June 8, 2001, and Lawrence Livermore provided data from October 1, 1994, to September 30, 2000. We analyzed these data for the entire time period because there were too few disciplinary actions per year for reliable analyses. The total number of staff at each laboratory was the average number over the 5 ½-year to 6-year time period, according to the EEO-1 forms we obtained from the laboratories or data from DOE for Lawrence Livermore in 1995.

Using appropriate statistical tests for small-group comparisons, we tested each laboratory separately for statistically significant differences in the rate of disciplinary actions and the severity of the penalty. Where there were sufficient numbers of actions for both the rate of disciplinary actions and the severity of penalties, we compared women with men, Whites with minorities, and White men with each EEO group (White women, Asian men and women, Black men and women, and Hispanic men and women). There were too few disciplinary actions involving American Indians to do any statistical tests.

Although we tested for statistical differences, we did not attempt to determine the cause of the differences we found. However, we did observe that disciplinary actions for certain offenses occurred only for specific

⁸ See U.S. General Accounting Office, *Senior Executive Service: Diversity Increased in the Past Decade*, GAO-01-377 (Washington, D.C.: Mar. 16, 2001).

groups. For example, only men were disciplined for Internet misuse. We also observed that certain offenses usually resulted in more or less severe punishments than others. For example, conducting commercial business on laboratory property typically resulted in harsher penalties than attendance behavior.

Hiring

To determine whether there are statistically significant race/ethnicity and gender differences in hiring of managerial and professional staff at each laboratory, we requested that the laboratories provide us with information from their applicant and hiring databases in order to apply appropriate statistical tests. To apply these tests, it is necessary to have data files in which only a very small percentage of cases are missing information for the variables of interest. However, the databases from all three laboratories were missing a substantial amount of information. At Los Alamos, 29 percent of the cases were missing data on race/ethnicity, and 26 percent were missing information on gender. Of the information provided by Sandia, 31 percent of the cases were missing gender information, and about 35 percent were missing data on race/ethnicity. Similarly, race/ethnicity data at Lawrence Livermore were missing in 24 percent of the cases and 22 percent of the cases lacked information on gender. Information about the disposition of applications was available for as little as 40 percent of the applicants at Sandia. It is not statistically, or otherwise possible, to determine if race/ethnicity or gender affect hiring decisions without information on the disposition of applications. The absence of valid information for so many cases is likely to bias estimates of whether there are statistically significant race/ethnicity and gender differences in hiring. Since we do not know whether cases with valid data differ from those with missing data, using the data would be misleading and possibly even contrary to results we would see if all cases had valid data.

**Third Objective:
Describe EEO
Concerns Raised by
Laboratory Staff**

We performed a descriptive analysis primarily on the basis of available information contained in the laboratories' surveys of their staff since 1995; the report of DOE's Task Force on Racial Profiling, issued in 2000; information contained in EEOC commissioner charges at Los Alamos and Lawrence Livermore, which we obtained from those laboratories; and the results of structured interviews we conducted with representatives of minority and women's groups at each laboratory. We also reviewed available information on other types of staff complaints, such as lawsuits, which the laboratories provided us with; however, because of the lack of consistency and completeness of the information provided across the

laboratories, we did not include that information in our analysis. Information contained in individual complaints filed with EEOC is confidential, and was not included in our analysis.⁹ In this report, we included only those EEO staff concerns that we considered most relevant. We did not attempt to describe all of the EEO concerns raised or analyze the laboratories efforts to address these concerns. We also did not attempt to prove or disprove the validity of these concerns.

**Fourth Objective:
Identify, if
Appropriate,
Opportunities for
Improving DOE's and
OFCCP's Oversight of
the Laboratories'
Compliance with EEO
Requirements**

For each laboratory, we reviewed the laboratory's self-assessment of its EEO and related performance and DOE's assessments of laboratories' self-assessment for fiscal years 1998 through 2000. We reviewed several recent affirmative action program documents from each of the laboratories. We also reviewed other related documents such as pay equity studies, diversity plans, and recruitment and outreach plans. We also obtained a summary of OFCCP compliance evaluations and complaint investigations and the results of those evaluations at the three laboratories since 1989. Where possible, we obtained and reviewed copies of the conciliation agreements resulting from OFCCP's evaluations from OFCCP or the laboratories. Since OFCCP requires that these records be kept for only 3 years, we did not have copies of all the conciliation agreements to include in our review. We also reviewed related laws, regulations, and DOE and OFCCP policies and procedures.

⁹The commission is prohibited from making public any information obtained under title VII of the Civil Rights Act of 1964, as amended, unless that information has been made part of a legal proceeding under the act (title VII, sec. 706(b) and 709(e); 42 U.S.C. 2000e-5(b) and 2000e-8(e)). Under EEOC's implementing regulations, this prohibition is applicable to charges filed by employees and information the agency obtains during an investigation of these charges. (29 C.F.R. 1601.22) We could not use in our report EEOC information on complaints filed with it by laboratory staff because we are required to maintain the same level of confidentiality for this information as does EEOC (31 U.S.C. 716(e)(1)).

**Appendix I: Objectives, Scope, and
Methodology**

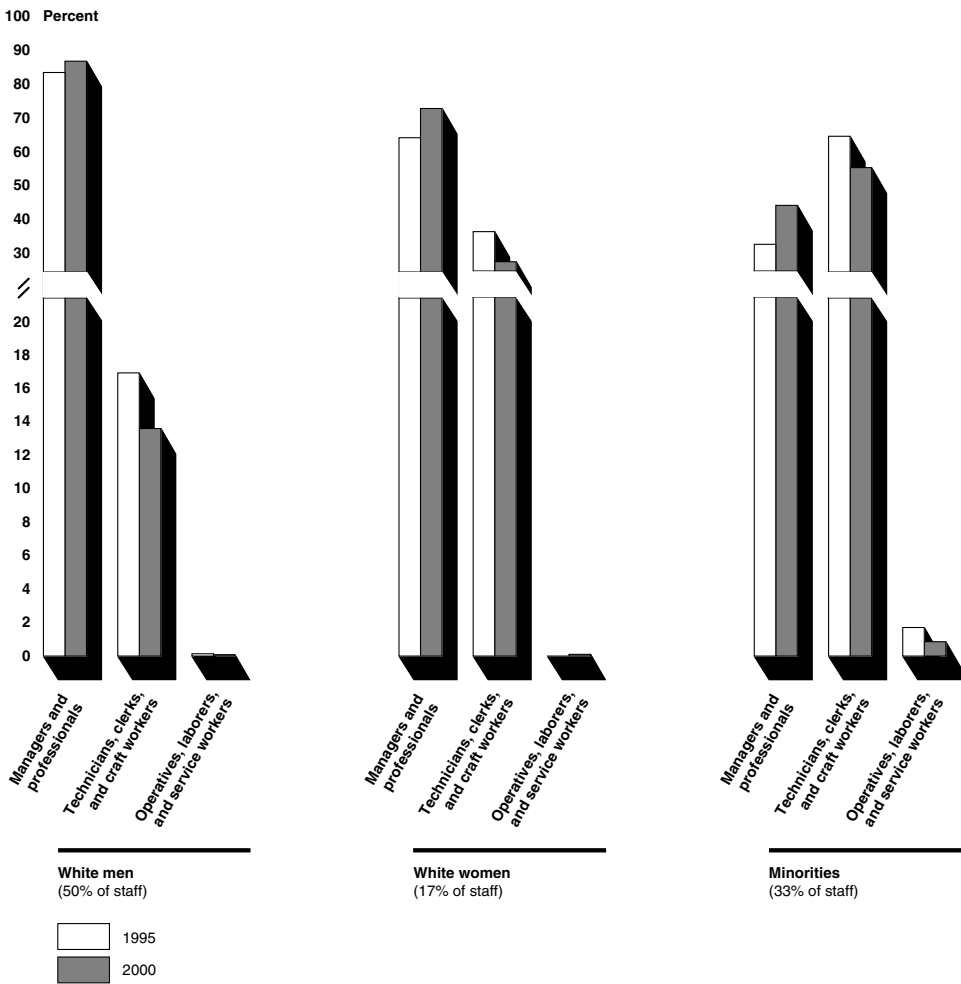
Appendix II: Composition of Staff by Job Category Group as a Percentage of Their Race/Ethnicity and Gender Group

According to EEOC, data on race/ethnicity, gender, and job category group can be displayed by (1) participation rates or by (2) occupational distribution. Participation rates, which are displayed in figures 6 to 11, highlight the composition of a job category group by race/ethnicity or gender group. For example, at Los Alamos, in 2000, 61 percent of the managers and professionals were White men. In contrast, the occupational distribution shows the composition of race/ethnicity or gender group by job category group. For the same example, at Los Alamos, in 2000, 86 percent of White men were managers and professionals.

Figures 12 to 14 show the occupational distribution for White men, White women, and minorities for each laboratory.

Appendix II: Composition of Staff by Job Category Group as a Percentage of Their Race/Ethnicity and Gender Group

Figure 12: Composition of Staff at Los Alamos, by Job Category Group, as a Percentage of Their Gender or Minority Group, 1995 and 2000

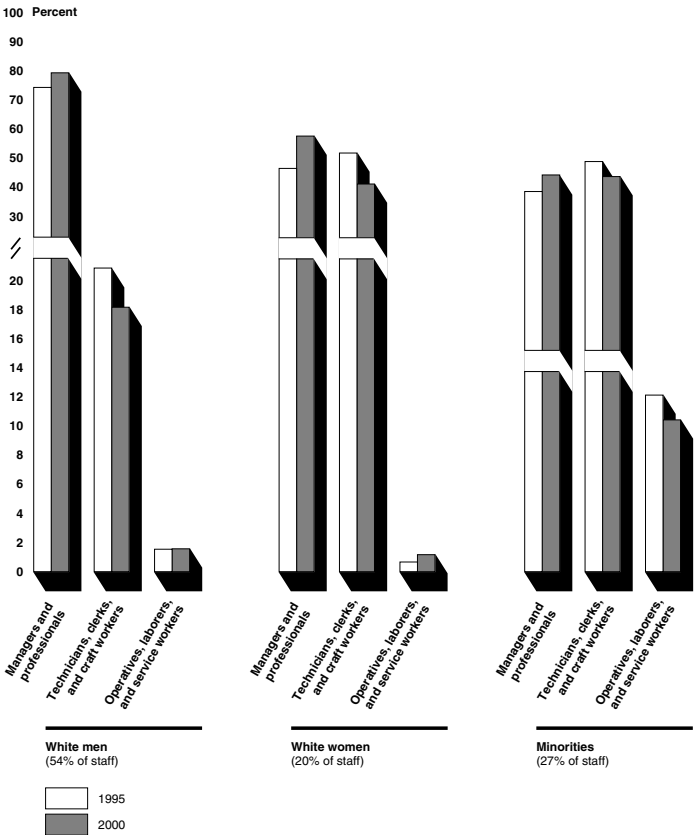


Note: The percentage that each race/ethnic and gender group represents of the total laboratory workforce is the average for 1995 and 2000.

Source: GAO's analysis of EEO-1s obtained from Los Alamos.

Appendix II: Composition of Staff by Job
Category Group as a Percentage of Their
Race/Ethnicity and Gender Group

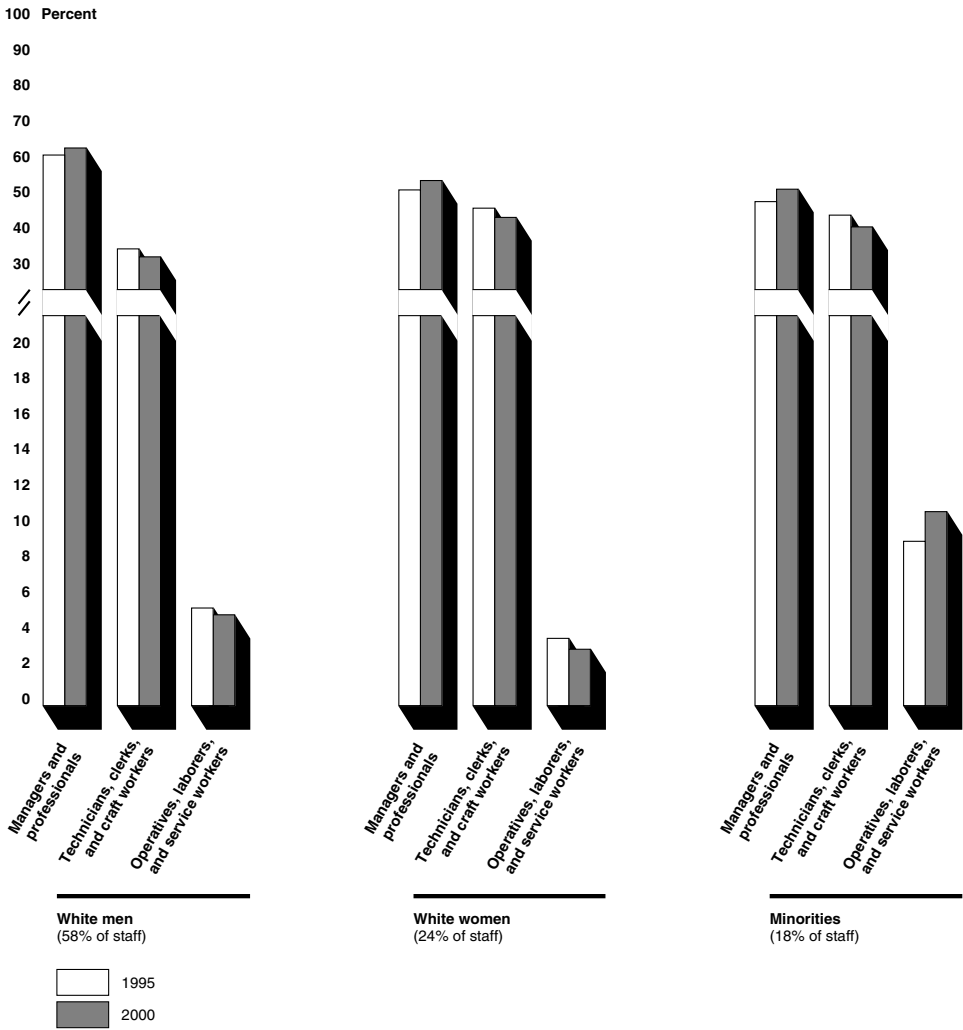
Figure 13: Composition of Staff at Sandia, by Job Category Group, as a Percentage of Their Gender or Minority Group, 1995 and 2000



Note: The percentage that each race/ethnic and gender group represents of the total laboratory workforce is the average for 1995 and 2000 and does not add to 100 percent because of rounding.

Source: GAO's analysis of EEO-1s obtained from Sandia.

Figure 14: Composition of Staff at Lawrence Livermore, by Job Category Group, as a Percentage of Their Gender or Minority Group, 1995 and 2000



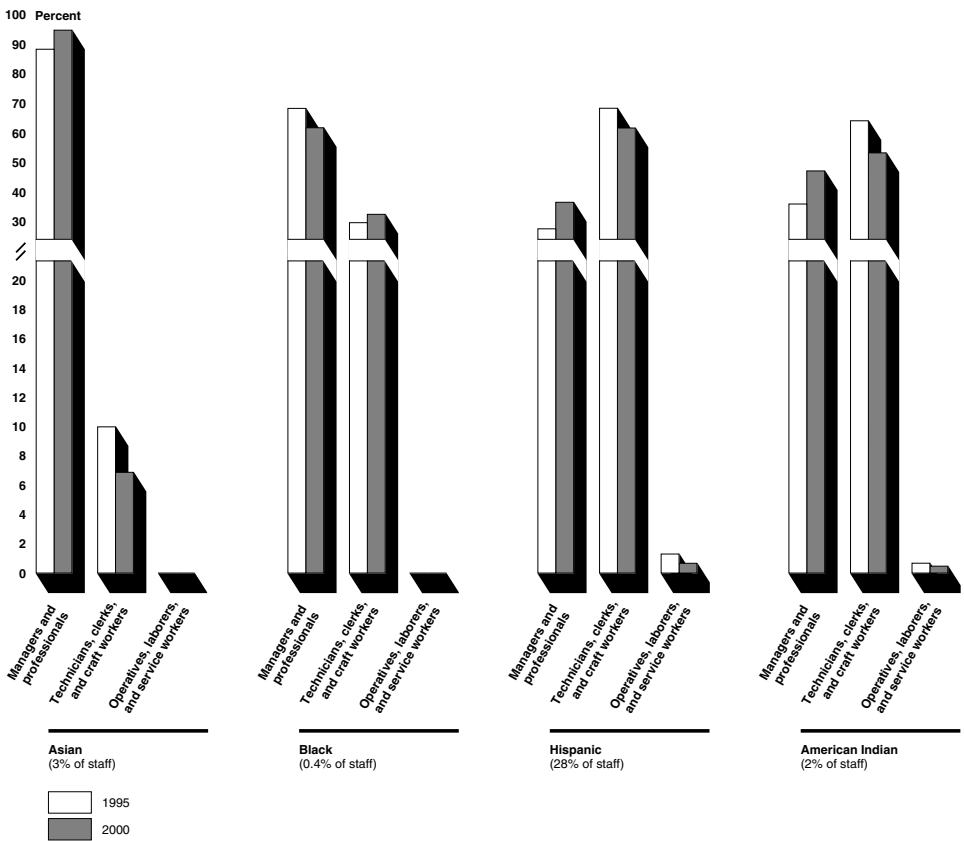
Note: The percentage that each race/ethnic and gender group represents of the total laboratory workforce is the average for 1995 and 2000.

Source: GAO’s analysis of WFIS data (1995); EEO-1 obtained from Lawrence Livermore (2000).

Figures 15 to17 show the occupational distribution for each of the four minority groups at the three laboratories.

Appendix II: Composition of Staff by Job Category Group as a Percentage of Their Race/Ethnicity and Gender Group

Figure 15: Minority Group by Job Category Group at Los Alamos, 1995 and 2000

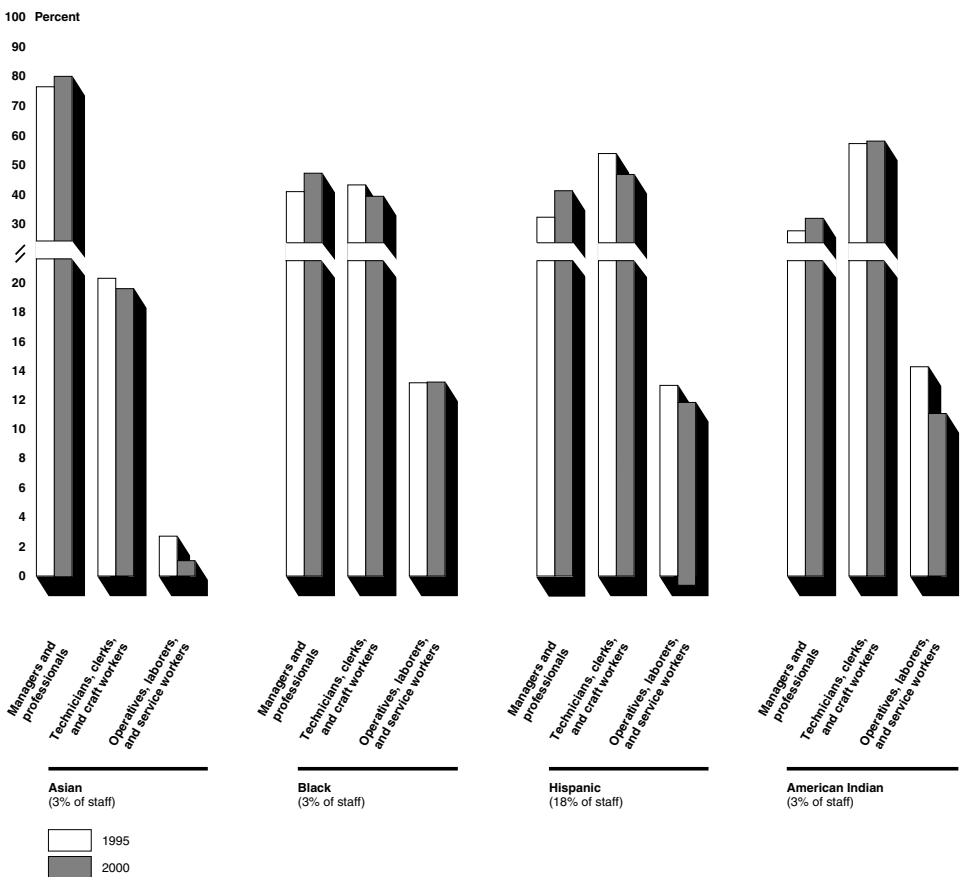


Note: The percentage that each race/ethnic group represents of the total laboratory workforce is the average for 1995 and 2000.

Source: GAO's analysis of EEO-1s obtained from Los Alamos.

Appendix II: Composition of Staff by Job
Category Group as a Percentage of Their
Race/Ethnicity and Gender Group

Figure 16: Minority Group by Job Category Group at Sandia, 1995 and 2000

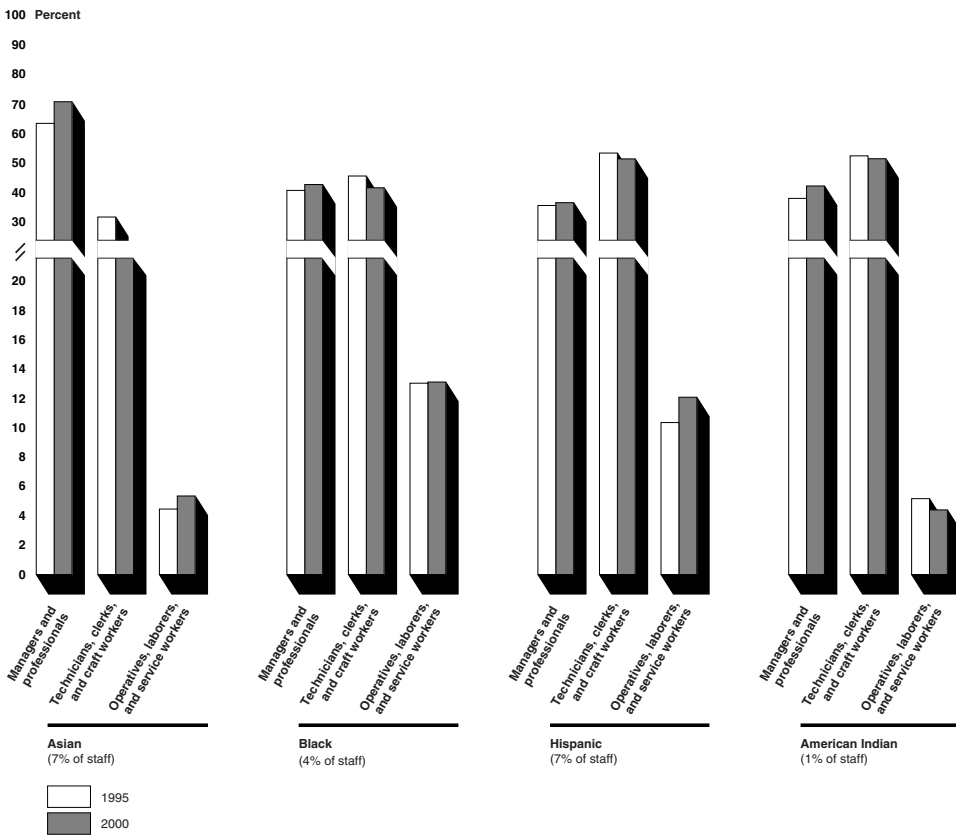


Note: The percentage that each race/ethnic group represents of the total laboratory workforce is the average for 1995 and 2000.

Source: GAO's analysis of EEO-1s obtained from Sandia.

Appendix II: Composition of Staff by Job
Category Group as a Percentage of Their
Race/Ethnicity and Gender Group

Figure 17: Minority Group by Job Category Group at Lawrence Livermore, 1995 and 2000



Note: The percentage that each race/ethnic group represents of the total laboratory workforce is the average for 1995 and 2000.

Source: GAO's analysis of WFIS data (1995); EEO-1 obtained from Lawrence Livermore (2000).

Appendix III: Additional Information on Personnel Actions at the Three Laboratories

This appendix presents (1) descriptive statistics for managerial and professional laboratory staff for the variables we used in our analysis of salary, merit pay, cash awards, and separations, which is shown in tables 7 to 15; (2) additional information on disciplinary actions for managerial and professional laboratory staff, which is shown in tables 16 to 18; and (3) the results for managerial and professional laboratory staff of salary, merit pay, cash awards, and separations analyses comparing all men with all women and minorities with nonminorities, which are shown in tables 19 and 20.

Descriptive Statistics for Variables Used in Our Analysis of Salary, Merit Pay, Cash Awards, and Separations for Managerial and Professional Laboratory Staff

Table 7: Descriptive Statistics for Los Alamos Managerial and Professional Laboratory Staff, Fiscal Years 1998 through 2000				
	Men		Women	
	Number	Percent	Number	Percent
Total ^a	5,614	73.0	2,044	27.0
White	4,289	58.0	1,353	18.0
Asian	356	5.0	110	1.0
Black	43	0.6	16	0.2
Hispanic	637	9.0	475	6.0
American Indian	57	0.8	33	0.5

^aNumber of staff by race/ethnicity does not total to the number of men and women because of missing data for race/ethnicity.

Source: GAO's analysis of laboratory's data.

**Appendix III: Additional Information on
Personnel Actions at the Three Laboratories**

Table 8: Descriptive Statistics for Los Alamos Managerial and Professional Laboratory Staff—Variables Used in the Salary, Merit Pay, Cash Award, and Separation Analyses, Fiscal Years 1998 through 2000

	Average base salary	Average merit pay^a	Average award^a	Average years of tenure	Average age	Percentage with Ph.D., J.D., or M.D.	Percentage with Q clearance	Percentage that were U.S. citizens
White men	\$88,849	\$5,267	\$168	12	46	50	67	93
Asian men	71,905	5,229	175	6	38	69	27	46
Hispanic men	73,298	4,192	155	16	45	15	73	97
Black men	64,133	4,271	137	8	40	36	38	93
American Indian men	83,812	4,977	132	15	46	37	79	98
White women	69,036	4,245	169	10	43	22	60	95
Asian women	63,776	4,292	176	6	38	39	27	58
Hispanic women	55,628	3,095	164	13	40	6	65	99
Black women	51,247	3,702	67	4	33	7	19	100
American Indian women	57,901	3,318	179	10	40	8	56	100

^aAward and merit pay averages are based on those who received them.

Source: GAO's analysis of laboratory's data.

Table 9: Descriptive Statistics for Los Alamos Managerial and Professional Laboratory Staff—Average Base Salary for Job Subcategories Used in the Analysis, Fiscal Years 1998 through 2000

Job Subcategory	Average base salary
Top Management	\$155,941
Technical Staff Member Group Level Management	122,506
Scientific Staff Member Group Level Management	93,719
Supervisors—Technical	64,220
Supervisors—Scientific	71,331
Supervisors—OS/GS	44,801
Supervisors—Technical	104,610
Technical Staff Member	95,413
Personnel/Health/Security	55,405
Fiscal Specialists	55,715
Administrative/Technical Administrative	61,944
Communications/Programming	54,294
Senior Designers/Techs/Ops	66,211
Postdocs/Special Projects	43,471
Limited-term professional staff	80,822

Source: GAO's analysis of laboratory's data.

Table 10: Descriptive Statistics for Sandia Managerial and Professional Laboratory Staff, Fiscal Years 1998 through 2000

	Men		Women	
	Number	Percent	Number	Percent
Total^a	5,051	76.0	1,607	24.0
White	4,210	63.0	1,164	17.0
Asian	205	3.0	93	1.0
Black	100	2.0	52	0.8
Hispanic	478	7.0	271	4.0
American Indian	56	0.8	27	0.4

^aNumber of staff by race/ethnicity does not total to the number of men and women because of missing data for race/ethnicity.

Source: GAO's analysis of laboratory's data

Table 11: Descriptive Statistics for Sandia Managerial and Professional Laboratory Staff—Variables Used in the Salary, Merit Pay, Cash Award, and Separation Analyses, Fiscal Years 1998 through 2000

	Average base salary	Average merit pay ^a	Average award ^a	Average years of tenure	Average age	Percentage with Ph.D., J.D., or M.D.	Percentage with Q clearance	Percentage that were U.S. citizens
White men	\$86,655	\$5,182	\$5,839	16	45	36	70	99
Asian men	84,670	5,101	5,524	10	40	56	55	88
Hispanic men	75,031	4,386	4,804	14	41	11	73	100
Black men	70,274	3,999	3,887	14	42	11	58	96
American Indian men	71,943	4,064	4,865	13	41	15	64	100
White women	70,372	4,278	4,443	11	43	16	60	99
Asian women	73,811	5,601	4,768	8	37	26	59	95
Hispanic women	57,947	3,605	3,251	12	40	4	58	100
Black women	64,483	4,077	3,754	9	36	10	42	100
American Indian women	62,085	3,479	3,218	13	44	19	48	100

^aAward and merit pay averages are based on those who received them.

Source: GAO's analysis of laboratory's data.

Table 12: Descriptive Statistics for Sandia Managerial and Professional Laboratory Staff—Average Base Salary for Job Subcategories Used in the Analysis, Fiscal Years 1998 through 2000

Job subcategory	Average base salary^a
President/Exec. Vice Pres./Vice Pres./ Deputy Vice Pres.	
Member of Technical Staff Director	
Member of Laboratory Staff Director	
Level II Technical Manager	
Level II Administrative Manager	
MTS Manager	
MLS Manager	
Team Supervisor- Professional/Operations/Security	
Fellow/Sr. Scientist/Sr. Administrator	
Distinguished Member of Technical Staff	
Principal Member of Technical Staff	
Senior Member of Technical Staff	
Member of Technical Staff	
Distinguished Member of Laboratory Staff	
Principal Member of Laboratory Staff	
Senior Member of Laboratory Staff	
Member of Laboratory Staff	
Postdocs	
Temporary professional staff	

^aSandia Laboratory asked us not to publish its salary data because according to Sandia Corporation's policies and practices, salary data related to employee and job groups is for "Official Use Only"; that is, the information may be privileged or sensitive because of national security, foreign policy, industrial competitiveness, or privacy considerations.

Source: GAO's analysis of laboratory's data.

Table 13: Descriptive Statistics for Lawrence Livermore Managerial and Professional Laboratory Staff, Fiscal Years 1998 through 2000

	Men		Women	
	Number	Percent	Number	Percent
Total ^a	4,082	70.0	1,708	30.0
White	3,366	59.0	1,284	22.0
Asian	364	6.0	200	4.0
Black	100	2.0	73	1.0
Hispanic	158	3.0	114	2.0
American Indian	37	0.6	25	0.4

^aNumber of staff by race/ethnicity does not total to number of men and women because of missing data for race/ethnicity.

Source: GAO's analysis of laboratory's data

**Appendix III: Additional Information on
Personnel Actions at the Three Laboratories**

Table 14: Descriptive Statistics for Lawrence Livermore Managerial and Professional Laboratory Staff—Variables Used in the Salary, Merit Pay, Cash Award, and Separation Analyses, Fiscal Years 1998 through 2000

	Average base salary	Average merit pay ^a	Average award ^a	Average years of tenure	Average age	Percentage with Ph.D., J.D., or M.D.	Percentage with Q clearance	Percentage that were U.S. citizens
White men	\$79,823	\$4,672	\$254	14	44	40	66	96
Asian men	71,225	3,844	258	10	41	49	53	88
Hispanic men	64,008	5,029	231	11	39	16	52	96
Black men	60,661	3,464	149	11	40	14	52	98
American Indian men	66,268	3,824	312	14	43	19	68	100
White women	58,213	3,570	210	11	41	13	51	98
Asian women	55,601	3,365	180	9	36	17	39	94
Hispanic women	47,394	2,736	224	11	37	4	40	97
Black women	49,128	2,696	186	10	38	1	38	99
American Indian women	45,408	2,370	152	11	42	4	36	100

^aAward and merit pay averages are based on those who received them.

Source: GAO's analysis of laboratory's data.

Table 15: Descriptive Statistics of Lawrence Livermore Managerial and Professional Laboratory Staff—Average Base Salary for Job Subcategories Used in the Analysis, Fiscal Years 1998 through 2000

Job subcategory	Average base salary
Management—Scientific Internal	\$128,430
Management—Administrative Internal	97,163
Supervisor—Technical Internal	88,872
Supervisor—Clerical Internal	55,397
Supervisor—Non Clerical Internal	63,379
Supervisor—Blue Collar Internal	59,082
Supervisor—Service Internal	43,210
Administrator National	58,199
Physicist National	82,965
Chemist/Metallurgist National	78,101
Life Scientist National	50,938
Computer Scientist National	76,248
Engineer—Mechanical National	80,988
Engineer—Electronics National	80,540
Engineer—Miscellaneous National	83,784
Tech. Info Editor/Specialist National	60,333
Environmental Scientist National	72,748
Postdocs	37,749

Source: GAO's analysis of laboratory's data.

Number and Type of Disciplinary Actions Taken, by Race/Ethnicity and Gender for Managerial and Professional Laboratory Staff

Table 16: Disciplinary Actions at Los Alamos for Managerial and Professional Laboratory Staff, 1995 through June 2001

Race/ethnicity	Gender	Written reprimand	Suspension	Termination	Males	Females	Total actions	Average number of managerial and professional staff by racial/ethnic group
Asian	Men	7	1	1	9		9	175
	Women	0	0	0		0	0	53
Black	Men	0	0	0	0		0	21
	Women	0	1	1		2	2	6
Hispanic	Men	7	3	4	14		14	438
	Women	2	1	0		3	3	274
American Indian	Men	0	0	0	0		0	42
	Women	0	0	0		0	0	17
Subtotal		16	6	6	23	5	28	1,026
White	Men	48	21	13	82		82	3,215
	Women	12	1	2		15	15	922
Subtotal		60	22	15	82	15	97	4,137
Unknown	Men	1	1	0	2	0	2	
Total		77	29	21	107	20	127	5,163

Note: Unknown means racial/ethnic description not given.

Source: GAO's analysis of laboratory's disciplinary data and EEO-1 data provided by Los Alamos.

**Appendix III: Additional Information on
Personnel Actions at the Three Laboratories**

Table 17: Disciplinary Actions at Sandia for Managerial and Professional Laboratory Staff, 1995 through June 2001

Race/ethnicity	Gender	Letter of reprimand	Suspension	Termination	Demotion	Males	Females	Total actions	Average number of managerial and professional staff by racial/ethnic group
Asian	Men	0	2	1	0	3		3	130
	Women	1	0	0	0		1	1	61
Black	Men	0	0	0	1	1		1	66
	Women	1	1	1	0		3	3	28
Hispanic	Men	6	6	2	1	15		15	359
	Women	0	0	1	0		1	1	165
American Indian	Men	0	1	0	0	1		1	40
	Women	0	0	0	0		0	0	23
Subtotal		8	10	5	2	20	5	25	872
White	Men	25	26	11	0	62		62	3,296
	Women	8	1	1	0		10	10	808
Subtotal		33	27	12	0	62	10	72	4,104
Total		41	37	17	2	82	15	97	4,976

Note: Sandia figures include disciplinary actions for Sandia sites in New Mexico and California. They do not include disciplinary actions for limited-term staff, such as postdoctoral students because Sandia does not report these employees on its EEO-1s.

Source: GAO's analysis of laboratory's disciplinary data and EEO-1 data provided by Sandia.

**Appendix III: Additional Information on
Personnel Actions at the Three Laboratories**

Table 18: Disciplinary Actions at Lawrence Livermore for Managerial and Professional Laboratory Staff, 1995 through 2000

Race/ethnicity	Gender	Warning letter	Suspension	Termination	Demotion	Males	Females	Total actions	Average Number of managerial and professional staff by racial/ethnic group
Asian	Men	6	0	0	0	6		6	193
	Women	2	0	0	0		2	2	91
Black	Men	9	2	1	0	12		12	64
	Women	1	0	0	0		1	1	45
Hispanic	Men	4	1	0	0	5		5	93
	Women	2	0	0	0		2	2	64
American Indian	Men	1	0	0	0	1		1	25
	Women	0	0	0	0		0	0	15
Subtotal		25	3	1	0	24	5	29	589
White	Men	61	15	13	2	91		91	2,362
	Women	14	3	1	1		19	19	823
Subtotal		75	18	14	3	91	19	110	3,185
Total		100	21	15	3	115	24	139	3,775

Source: GAO's analysis of laboratory's disciplinary data and EEO-1 provided by Lawrence Livermore and WFIS data provided by DOE.

Results of Tests for
Men Versus Women
and Minority Versus
Nonminority for
Managerial and
Professional
Laboratory Staff

Table 19: Results for Managerial and Professional Laboratory Staff of Salary, Merit Pay, Cash Awards, and Separations Analyses Comparing All Women with All Men, Fiscal Years 1998 through 2000

Laboratory	Percent difference		Likelihood ratios	
	Salary	Merit pay	Awards	Separations
Los Alamos	-6			0.700
Sandia	-4	34		
Lawrence Livermore	-8	19		

Note: Blank spaces indicate that results for these groups were not statistically significant.

Source: GAO’s analysis of laboratory’s data.

Table 20: Results for Managerial and Professional Laboratory Staff of Salary, Merit Pay, Cash Awards, and Separations Analyses Comparing All Minorities with Nonminorities, Fiscal Years 1998 through 2000

Laboratory	Percent difference		Likelihood ratios	
	Salary	Merit pay	Awards	Separations
Los Alamos	-2		0.838	0.812
Sandia	-2		1.724	
Lawrence Livermore	-3		0.716	

Note: Blank spaces indicate that results for these groups were not statistically significant.

Source: GAO’s analysis of laboratory’s data.

Appendix IV: Comments from the Department of Energy



Department of Energy
National Nuclear Security Administration
Washington, DC 20585

APR 08 2002

Ms. Gary L. Jones
Director, Natural Resources
and Environment
U. S. General Accounting Office
Washington, D.C. 20548

Dear Ms. Jones:

The General Accounting Office's draft report GAO-02-291, "DOE WEAPONS LABORATORIES: Actions Needed to Strengthen EEO Oversight," was received and reviewed by my office. The National Nuclear Security Administration appreciates the opportunity to review your efforts. We understand that the General Accounting Office (GAO) was requested to review personnel actions taken at our weapons laboratories over the past decade to determine if there has been differential treatment in the handling of cases involving minorities.

As you are aware, and as the draft report states, the Secretary of Energy has reaffirmed the Department's opposition to discrimination in the hiring and treatment of employees. He has stated that he expects and requires full compliance with both the spirit and letter of all civil rights laws, regulations, and policies. This commitment applies to both the Federal work force and the Department's contractor employees. The National Nuclear Security Administration fully supports the Secretary's position. The NNSA Administrator, in his report to Congress on February 25, 2002, described the role of the Diversity Office that he established to provide leadership, foster partnership, and model accountability throughout the Administration in advancing the diversity mission. While the Administration is establishing and implementing new roles and responsibilities, the goals of a viable diversity program are being implemented. Specifically, the Administrator:

- presented a report to the Secretary providing an analysis of—and recommending key actions necessary for addressing—high-profile racial profiling issues
- sponsored the Tri-lab diversity meeting to explore retention, recruitment, and security policies in light of racial profiling and career advancement concerns
- detailed an experienced senior manager from Sandia National Laboratories to temporarily head the Diversity Office and reassigned additional Federal employees into the office. The same detailee and assigned staff have



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initiated a number of long term actions to address the diversity needs of the NNSA

- brought in, and is continuing to utilize the services of a highly recognized diversity expert to work with NNSA's senior leadership in a wide variety of diversity related matters; and
- established a senior executive service level position to permanently head the NNSA Diversity office. The incumbent, when selected from the candidates that applied for this position, will report to the Administrator.

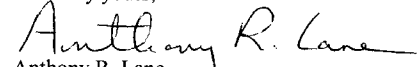
The Administrator's short term goals are to:

- establish a National Nuclear Security Administration Diversity Council and produce a diversity strategic plan;
- define and clarify interfaces with departmental headquarters, Administration headquarters, field elements, laboratories, and production plants;
- effectively address diversity issues in a timely manner;
- begin to make strides in improving the work environment for the people of the Administration;
- work toward ensuring a balanced workforce; and
- seize opportunities to promote the importance of diversity throughout the Administration.

We appreciate the fact that your draft report acknowledges that there may be statistically significant differences in some personnel actions for managerial and professional staff, and that these differences do not prove or disprove discrimination. We will utilize your report as a data point in the implementation of the overall National Nuclear Security Administration Diversity Program as reported to Congress. Furthermore, the Administration and the Department will work with the Department of Labor and specifically the Office of Federal Contract Compliance Programs to achieve the desired effect of the recommendations as well as to establish better communications between the two entities.

The statistical analysis review criteria used by the General Accounting Office is different from the criteria that the laboratories use to both analyze and portray their diversity data. Our analysis of the draft report also indicates a potential disagreement with your statistical conclusions. We would appreciate receiving any information that you have that would help us to complete our statistical review of the program. We do have additional detailed comments we would be glad to share with you at your convenience.

Sincerely yours,



Anthony R. Lane
Associate Administrator for
Management and Administration

Appendix V: Comments from the Department of Labor

U.S. Department of Labor

Assistant Secretary for
Employment Standards
Washington, D.C. 20210



APR 16 2002

Ms. Gary L. Jones
Director Natural Resources
and the Environment
U.S. General Accounting Office
Washington DC 20548

Dear Ms. Jones:

Thank you for the opportunity to review and provide comments on the draft General Accounting Office (GAO) report entitled "DOE Weapons Laboratories: Actions Needed to Strengthen EEO Oversight," GAO-02-391. On behalf of Secretary Chao, the Employment Standards Administration (ESA), Office of Federal Contract Compliance Programs (OFCCP) has reviewed the report. At the outset, let me state the ESA/OFCCP is committed to fully carrying out its responsibilities to ensure federal contractor compliance with our nation's equal employment opportunity (EEO) laws. Our responses to the GAO recommendations appear below.

GAO Recommendation: To understand the implications of the statistical differences we found and to evaluate their practical significance, we recommend that the secretary of energy, in consultation with OFCCP, determine their causes and take the necessary corrective steps, if appropriate, to address any equal employment opportunity (EEO) problems identified.

Agency Response: OFCCP agrees that consultation and collaboration with the Department of Energy can better address the equal employment opportunity problems identified. As such, OFCCP offers its services and expertise to DOE so that they may perform the necessary and appropriate analyses in these areas to make determinations regarding the implications of the statistical differences. If it is found that problems exist, OFCCP can work in partnership with DOE to assist in the design and implementation of corrective action, as appropriate.

Working to Improve the Lives of America's Workers

2

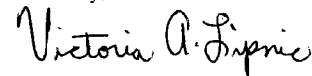
GAO Recommendation: To ensure that DOE and OFCCP work more collaboratively toward their common goal of EEO compliance at the laboratories, we recommend that the secretary of energy and the secretary of labor explore the costs and benefits of various options for developing and implementing (1) a more formal collaborative relationship to facilitate sharing information and expertise and (2) an effective means of monitoring and assessing this collaborative relationship.

Agency Response: DOL/OFCCP supports entering into a dialogue with DOE with the aim of establishing a more collaborative effort that will leverage resources to assist DOE in better achieving compliance with EEO statutes and guidelines. Such a collaborative effort could include the cross-training of staff, compliance assistance regarding enhanced investigative techniques, and education regarding self-audit tools that would better serve to identify potential problems early. In addition, where appropriate, OFCCP could share with DOE the results of compliance evaluations and/or complaint investigations of the laboratories prior to formalizing the findings.

In addition to our response to the recommendations, we would like to comment on the text references and footnote 3 regarding Standard Form 100 (EEO-1). The Joint Reporting Committee (JRC) has responsibility for collecting and reporting EEO-1 data. The JRC is composed of both the Equal Employment Opportunity Commission (EEOC) and OFCCP. GAO should replace "EEOC" with "the JRC" throughout the text when discussing EEO-1 data.

Finally, we appreciate the efforts of the General Accounting Office in this regard, and we look forward to working more closely with the Department of Energy in order to effect stronger equal employment opportunity workplaces at the nation's weapons laboratories.

Sincerely,



Victoria A. Lipnic
Assistant Secretary

Appendix VI: GAO Contacts and Staff Acknowledgments

GAO Contacts

Andrea W. Brown (202)-512-3319

Staff Acknowledgments

In addition to those named above, Vondalee R. Hunt, Susan Irwin, Rebecca Shea, Carol Herrnsstadt Shulman, Karla Springer, Greg Wilmoth, and Lisa Vojta made key contributions to this report.

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